

BILL LEE
GOVERNOR



LISA HELTON
INTERIM COMMISSIONER

STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
SIXTH FLOOR RACHEL JACKSON BUILDING
320 SIXTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-0465
OFFICE (615) 253-8139 • FAX (615) 532-8281

July 29, 2022

Mr. Branden Bellar
Attorney at Law
206D Main Street
P.O. Box 192
Carthage, TN 37070

Dear Mr. Bellar:

SUBJECT: Trousdale Turner Correctional Center (TTCC) Liquidated Damage Assessments for July 1, 2021 to December 31, 2021

In accordance with Section E.10 and Appendix D of the contract (Edison Contract Number 71295) between the State and Trousdale County, Tennessee, contract monitoring staff with the TDOC Office of the Inspector General have completed contract monitoring for the audit period of July 1, 2021, to December 31, 2021. A review, and consideration of the findings for that monitoring period, has resulted in an overall assessment of nine hundred fourteen thousand, two hundred forty-five dollars and forty-four cents. **(\$914,245.44).**

1. Failure to Fill Critical Posts Standard

Audit Standard	Non-Compliance Report Date	Audit Period	Second Breach	Cured Date	Total Damages 2021 - 2022
Staffing 2b	11-Nov-21	Jul-21	2/11/2022	N/A	\$ 115,784.46
Staffing 2b	11-Nov-21	Aug-21	2/11/2022	N/A	\$ 127,259.88
Staffing 2b	11-Nov-21	Sep-21	2/11/2022	N/A	\$ 124,389.94
Staffing 2b (Repeat)	11-Feb-22	Oct-21	2/11/2022	N/A	\$ 145,763.31
Staffing 2b (Repeat)	11-Feb-22	Nov-21	2/11/2022	N/A	\$ 163,864.80
Staffing 2b (Repeat)	11-Feb-22	Dec-21	2/11/2022	N/A	\$ 237,183.05
Total Damages					\$ 914,245.44

Please refer to Attachment A–B for more detail on the Filling Critical Posts Standards liquidated damages. Attachments C–I are calculation spreadsheets for the months of July 1, 2021, to December 31, 2021.

Mr. Branden Bellar
SUBJECT: TTCC July 2021 to December 2021 Liquidated Damages
July 29, 2022
Page 2 of 2

As a result of these findings of non-compliance and in accordance with Section E.10 and Appendix D of the contract between the State and Trousdale County, Tennessee, I find Trousdale County to be in breach of contract, and I am directing those liquidated damages in the amount of nine hundred fourteen thousand, two hundred forty-five dollars and forty-four cents. **(\$914,245.44)** be withheld from payment to Trousdale County.

You may appeal this determination within thirty (30) calendar days from date of receipt of this letter. As such, the deadline to appeal shall be **August 29, 2022**. Any appeal should be directed to the TDOC Inspector General Kelly Young.

Should Trousdale County decline to appeal this assessment or an appeal is not filed within the timeframe set forth in this letter, the liquidated damages will be deducted from the State's next payment for services under the contract.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Lisa Helton
Interim Commissioner

LH:KY
Enclosures

pc: Martin Frink, Warden, TTCC
Vance Laughlin, Interim Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Bo Irvin, Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
Darren Settles, Deputy Assistant Commissioner, TDOC
Trinity Minter, Correctional Administrator, TDOC
Kelly Young, Inspector General, TDOC
Kimberly Gulden, Deputy Inspector General, TDOC
Lisa Parks, Director of Fiscal Services
Carolyn Jordan, Director, Contract Monitoring, TDOC
Kristy Carroll-Grimes, Director of Risk Mitigation and Contract Monitoring, TDOC



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November 22, 2022

Mr. Branden Bellar
Attorney at Law
206D Main Street
P.O. Box 192
Carthage, TN 37070

Dear Mr. Bellar:

SUBJECT: Trousdale Turner Correctional Center (TTCC) Liquidated Damage Assessments for Second Breaches Occurring between January 1, 2022 to June 30, 2022

In accordance with Section E.10 and Appendix D of the contract (Edison Contract Number 71295) between the State and Trousdale County, Tennessee, contract monitoring staff with the TDOC Office of the Inspector General have completed contract monitoring for the audit period of January 1, 2022, to June 30, 2022. A review, and consideration of the findings for that monitoring period, has resulted in an overall assessment of two million, five thirty two thousand, two hundred eighty three dollars and ninety two cents. **(\$2,532,283.92)**.

Failure to Fill Vacancies Within Forty-Five Days (45), Less Overtime Costs

Audit Standard	Audit Period	Estimated Daily Salaries and Benefits
Staffing 9 (Repeat)	Jan-22	\$ 735,860.08
Staffing 9 (Repeat)	Feb-22	\$ 547,871.17
Staffing 9 (Repeat)	Mar-22	\$ 470,041.13
Staffing 9 (Repeat)	Apr-22	\$ 418,795.90
Staffing 9 (Repeat)	May-22	\$ 450,677.50
Staffing 9 (Repeat)	Jun-22	\$ 394,893.76
Total Estimated Salaries and Benefits		\$ 3,018,139.54
Total CoreCivic Reported Overtime Costs Incurred for Audit Period		\$ 1,287,325.86
Total Damages for Audit Period		\$ 1,730,813.68

Please refer to the non-compliance reports for more detail (Attachments A–C). The calculation spreadsheets for January 1, 2022–June 30, 2022, are also included (Attachments D–I). Please see the folder titled *TN Trousdale County January-June 2022* for the reported overtime costs to cover the vacancies.

Failure to Fill Critical Posts Standard

Audit Standard	Audit Period	Total Damages
Staffing 2b (Repeat)	Jan-22	\$ 150,599.30
Staffing 2b (Repeat)	Feb-22	\$ 121,528.47
Staffing 2b (Repeat)	Mar-22	\$ 79,935.03
Staffing 2b (Repeat)	Apr-22	\$ 103,251.89
Staffing 2b (Repeat)	May-22	\$ 131,390.56
Staffing 2b (Repeat)	Jun-22	\$ 89,064.99
Total Damages		\$ 675,770.24

Please refer to the non-compliance reports for more detail (Attachments A–C). The calculation spreadsheets for January 1, 2022–June 30, 2022, are also included (Attachment J).

Failure to Meet Disciplinary Standard

Audit Standard - Group 1	First Breach Notification	Second Breach Notification	Contract Multiplier	Cured Dates	Number of Days Noncompliant	Total Damages Jan - June 2022
Disciplinary 1e (Repeat)	11-Nov-21	10-Feb-22	\$ 300.00	N/A	140	\$ 42,000.00
Total Damages						\$ 42,000.00

Please refer to the non-compliance report for more detail (Attachment K).

Failure to Meet Classification Standard

Audit Standard - Group 4	First Breach Notification	Second Breach Notification	Contract Multiplier	Cured Dates	Number of Days Noncompliant	Total Damages Jan - June 2022
Classification 2b Essential (Repeat)	1-Sep-21	10-Feb-22	\$ 300.00	N/A	140	\$ 42,000.00
Total Damages						\$ 42,000.00

Please refer to the non-compliance report for more detail (Attachment L).



Mr. Branden Bellar
SUBJECT: TTCC January 1, 2022 to June 30, 2022 Liquidated Damages
Page 3 of 4
November 22, 2022

Failure to Meet Staffing Standard

Audit Standard - Group 5	First Breach Notification	Second Breach Notification	Contract Multiplier	Cured Dates	Number of Days Noncompliant	Total Damages Jan - June 2022
Staffing item 6b Essential (Repeat)	11-Nov-21	11-Feb-22	\$ 300.00	N/A	139	\$ 41,700.00
						\$ 41,700.00

Please refer to the non-compliance report for more detail (Attachment M).

As a result of these findings of non-compliance and in accordance with Section E.10 and Appendix D of the contract between the State and Trousdale County, I find Trousdale County to be in breach of contract, and I am directing those liquidated damages in the amount of two million, five hundred thirty two thousand, two hundred eighty three dollars and ninety two cents. **(\$2,532,283.92)** be withheld from payment to Trousdale County, Tennessee.

You may appeal this determination within thirty (30) calendar days from date of receipt of this letter. As such, the deadline to appeal shall be **December 22, 2022**. Any appeal should be directed to the TDOC Inspector General Kelly Young.

Should Trousdale County decline to appeal this assessment or an appeal is not filed within the timeframe set forth in this letter, the liquidated damages will be deducted from the State's next payment for services under the contract.

I do appreciate Trousdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC and Trousdale County and CoreCivic.



Department of

Correction

Mr. Branden Bellar
SUBJECT: TTCC January 1, 2022 to June 30, 2022 Liquidated Damages
Page 4 of 4
November 22, 2022

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Lisa Helton
Interim Commissioner

LH:KY
Enclosures

pc: Martin Frink, Warden, TTCC
Vance Laughlin, Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Richard Muckle, Chief of Staff, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
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Kelly Young, Inspector General, TDOC
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Lisa Parks, Director of Budget & Fiscal Services
Carolyn Jordan, Director, Contract Monitoring, TDOC
Kristy Carroll-Grimes, Director of Risk Mitigation and Contract Monitoring, TDOC



Department of
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July 29, 2020

Mr. Branden Bellar
Attorney at Law
206D Main Street
P.O. Box 192
Carthage, TN 37070

Dear Attorney Bellar:

SUBJECT: Assessment of Liquidated Damages–Trousdale Turner Correctional Center (TTCC)

1. Failure to Meet Count Procedure Standards

The Tennessee Department of Correction (TDOC) Contract Monitors Jon Walton and Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on March 26, 2020, for failure to meet Count Procedure Standards. The audit period for these findings is January 1, 2020–March 25, 2020. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment A).

The following summarizes the liquidated damages for failure to meet two (2) Count Procedure Standards:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Count Procedures 1c (Repeat)	26-Mar-20	4	5	\$ 25.00	6	\$ 3,000.00
Count Procedures 6a Essential (Repeat)	26-Mar-20	4	5	\$ 25.00	7	\$ 3,500.00
Total						\$ 6,500.00

2. Failure to Meet Disciplinary Procedures Standards

The Tennessee Department of Correction (TDOC) Contract Monitors Jon Walton and Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on March 26, 2020, for failure to meet two (2) Disciplinary Procedures Standards. The audit period for these findings is January 1, 2020–March 31, 2020. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment B).

The following summarizes the liquidated damages for failure to meet the Disciplinary Procedures Standards:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Disciplinary Procedures 1a (Repeat)	26-Mar-20	4	5	\$ 25.00	3	\$ 1,500.00
Disciplinary Procedures 2f Essential (Repeat)	26-Mar-20	4	5	\$ 25.00	1	\$ 500.00
Total						\$ 2,000.00

3. Failure to Meet Records and Reports Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC on February 28, 2020, for failure to meet one (1) Records and Reports Standard. This non-compliance item was a repeat finding from the December 31, 2019, NCR. The plan of corrective action in that NCR detailed updated final staffing reports would be submitted to satisfy the Records and Reports Item 5 finding. During a review of those staffing reports, it was determined that those reports contained errors and did not meet the contract standard. The audit period reviewed for these staffing reports was July 2019–January 2020.

On March 26, 2020, the Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued another non-compliance report to CoreCivic management at the TTCC for failure to meet two (2) Records and Reports Standards. The audit period for these findings is January 1, 2020–March 31, 2020. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments D-E).

The following summarizes the liquidated damages for failure to meet the Records and Reports Standards:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Records and Reports 5 (Repeat)	28-Feb-20	4	5	\$ 25.00	6	\$ 3,000.00
Records and Reports 1a (Repeat)	26-Mar-20	4	2	\$ 25.00	3	\$ 600.00
Records and Reports 2c Essential (Repeat)	26-Mar-20	4	2	\$ 25.00	1	\$ 200.00
Total						\$ 3,800.00

4. Failure to Meet Security Equipment Standard

The Tennessee Department of Correction (TDOC) Contract Monitors Jon Walton and Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on March 26, 2020, for failure to meet one (1) Security Equipment Standard. The audit period for this finding is January 1, 2020–March 31, 2020. Detailed information concerning this finding is contained in the enclosed non-compliance report (Attachment E).



Department of
Correction

The following summarizes the liquidated damages for failure to meet the Security Equipment Standard:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Security Equipment 3 Essential (Repeat)	26-Mar-20	4	5	\$ 25.00	1	\$500.00
Total						\$ 500.00

5. Failure to Meet Special Management Inmate Standards

The Tennessee Department of Correction (TDOC) Contract Monitors Jon Walton and Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on March 26, 2020, for failure to meet Special Management Inmate Standards. The audit period for these findings is January 1, 2020–March 31, 2020. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment F).

The following summarizes the liquidated damages for failure to meet seven (7) Special Management Inmate Standards:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Special Management 7b (Repeat)	26-Mar-20	4	5	\$ 25.00	3	\$ 1,500.00
Special Management 8a (Repeat)	26-Mar-20	4	3	\$ 25.00	1	\$ 300.00
Special Management 8b Essential (Repeat)	26-Mar-20	4	5	\$ 25.00	6	\$ 3,000.00
Special Management 8c (Repeat)	26-Mar-20	4	5	\$ 25.00	17	\$ 8,500.00
Special Management 9a (Repeat)	26-Mar-20	4	5	\$ 25.00	9	\$ 4,500.00
Special Management 9b (Repeat)	26-Mar-20	2	4	\$ 25.00	13	\$ 2,600.00
Special Management 10 (Repeat)	26-Mar-20	4	5	\$ 25.00	22	\$ 11,000.00
Total						\$ 31,400.00

6. Failure to Meet Behavioral Health and Medical Standards

The TDOC Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at TTCC on March 26, 2020, for failure to meet Behavioral Health Standards and Medical Standards. The audit period for these findings is October 1, 2019–December 31, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance report (Attachment G).

The following summarizes the liquidated damages for failure to meet one (1) Behavioral Health Standard and three (3) Medical Standards:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Behavioral Health 7 Essential (Repeat)	26-Mar-20	4	5	\$ 25.00	2	\$ 1,000.00
Health Services 7 (Repeat)	26-Mar-20	4	3	\$ 25.00	4	\$ 1,200.00
Health Services 8 (Repeat)	26-Mar-20	4	3	\$ 25.00	5	\$ 1,500.00
Health Services 40 (Repeat)	26-Mar-20	4	5	\$ 25.00	13	\$ 6,500.00
Total						\$ 10,200.00

7. Failure to Meet Staffing 6a and 8 Standards

On February 28, 2020, the TDOC Contract Monitor Jon Walton issued a non-compliance report (Attachment H) to CoreCivic management at TTCC, for failure to meet the Staffing 6a standard. The audit period for this finding is December 1, 2019–December 31, 2019. On February 26, 2020, the TDOC Contract Monitor Jon Walton issued a non-compliance report (Attachment I) to CoreCivic management at TTCC for failure to meet the Staffing 8 Standard. The audit period for this finding is January 1, 2020–January 31, 2020. Detailed information concerning this finding is listed in the enclosed Attachment I.

The following summarizes the liquidated damages for failure to meet the Staffing 6a and Staffing 8 Standards:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Staffing 6a	28-Feb-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 (Repeat)	26-Feb-20	4	5	\$ 25.00	1	\$ 500.00
Total						\$ 1,000.00

8. Failure to Fill Critical Posts –Essential (Repeat)

On February 28, 2020, the TDOC Contract Monitor Jon Walton issued a non-compliance report for failure to fill critical posts as required by the contract between the State and CoreCivic for operation of TTCC. The audit period for this finding is December 1, 2019–December 31, 2019. On February 26, 2020, the TDOC Contract Monitor Jon Walton issued a non-compliance report for failure to fill critical posts as required by the contract between the State and CoreCivic for operation of TTCC. The audit period for this finding is January 1, 2020–January 31, 2020. Detailed information concerning these findings is listed in the enclosed non-compliance reports. (Attachments H–I)

Please see Attachment J for the calculation of these liquidated damages. The liquidated damage for failure to fill critical posts is \$27,070.14.

9. Failure to Fill Vacancies within 45 Days Less Overtime Costs (Repeat)

On February 26, 2020, and February 28, 2020, the TDOC Contract Monitor Jon Walton issued a non-compliance report for failure to fill vacancies within forty-five (45) days as required by the contract between the State and CoreCivic for operation of TTCC. Attachment H is for the audit period of December 1, 2019–December 31, 2019, and Attachment I is for the audit period of January 1, 2020–January 31, 2020. The estimated salaries and benefits of these vacant positions are listed in Attachments K–L. Documentation of overtime costs for the months of December 2019–January 2020 is included in Attachments M–N. Detailed information concerning these findings is listed in the enclosed non-compliance reports.

The following summarizes the liquidated damages for failure to fill vacancies within forty-five (45) days:

NCR Date	Time Period	Daily Salary and Benefits	Overtime Costs Incurred	Resulting Damages
28-Feb-20	Dec-19	\$ 228,756.76	\$ 163,526.11	\$ 65,230.65
26-Feb-20	Jan-20	\$259,062.50	\$ 155,377.78	\$ 103,684.72
Total				\$ 168,915.37

*See attachments K–N for more information.

As a result of these findings of non-compliance and in accordance with Section E.14 and Appendix D of the contract between the State and Troupdale County, I find Troupdale County to be in breach of contract, and I am directing that liquidated damages in the amount of **\$251,385.51** be withheld from payment to CoreCivic. The liquidated damages will be deducted from the State's next payment for services under the contract.

I do appreciate Troupdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC, Troupdale County and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Tony Parker
Commissioner

TP:KY
Enclosures

pc: Raymond Byrd, Warden, TTCC
Charles Keeton, Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Chuck Taylor, Deputy Commissioner/Chief of Staff, TDOC



Lisa Parks, Interim Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Kelly Young, Inspector General, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
John Fisher, Correctional Administrator, TDOC
Carolyn Jordan, Director, Contract Monitoring, TDOC
Chris Brun, Contract Monitor, TDOC
Jon Walton, Contract Monitor, TDOC

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August 13, 2020

Mr. Branden Bellar
Attorney at Law
516 Main Street North
P.O. Box 192
Carthage, TN 37030

Dear Attorney Bellar:

SUBJECT: Assessment of Liquidated Damages–Trousdale Turner Correctional Center (TTCC)

This is in response to your July 1, 2020, appeal of certain aspects of TDOC's liquidated damages notice dated June 3, 2020. Your appeal addresses the following areas of noncompliance:

- Disciplinary Procedures Standards
- Records and Reports Standards
- Release Procedures Standards
- Search Standards
- Special Management Inmate Standards
- Grievance Standards
- Security Equipment Standards
- Use of Force Standards
- Inmate Jobs Standards
- Behavioral Health and Medical Standards
- Overtime Costs Allowance for Vacancies over Forty-Five (45) Days

TDOC policy provides that liquidated damages may be reviewed for reasonableness and adjusted as deemed appropriate. The liquidated damages have been reviewed based upon your appeal and accompanying documentation. For the reasons discussed below, the liquidated damages amount is hereby revised from \$212,443.40 to \$208,243.40.

1. Disciplinary Procedures Standards

Item 2g requires that a disciplinary report be issued for every infraction for which an inmate is segregated pending investigation. This finding involved the review of four (4) inmates placed on pending investigation status on 10-17-19. They were all placed in segregation on 10-17-19 and

were still in segregation on 10-21-19, with no pending investigation report entered in the TOMIS LIBK screen. In your appeal, you assert that one inmate received a disciplinary report which resulted in the inmate being placed in "pending hearing" status verses "pending investigation" status. You also state the disciplinary report is dated in TOMIS as 10-16-2019.

The contract monitor conducted a review of your assertions. He confirmed that the review of the NCR findings was conducted 10-21-19. On this date, inmate 497943 was documented by way of the movement confinement packet and in TOMIS, as being placed in segregation pending investigation on 10-17-19. The CMO refused to sign off on the Pending Investigation confinement packet, due to no LIBK entry. As a result, corrected entries were made after the CMO notified the facility of the pending NCR. This is also a repeat finding from 05-19-2019. Therefore, the facility has been put on notice that this is an issue, and it has not been corrected. The CMO has confirming documentation including the original Pending Investigation movement confinement packet and LIBD segregation screen in addition to the LIBK being entered after CMO notification. Therefore, the Department declines to reverse the \$2,500.00 assessment.

2. Records and Reports Standards

In your appeal, you request that TDOC reconsider both findings for Items 5 & 9 that were assessed for liquidated damages. Item 5 involved the bi-annual review of the monthly staffing reports. Numerous errors were discovered in four (4) of the months reviewed. Due to the volume of inaccuracies and the expectation that complete and accurate reports are to be submitted timely, the Department declines to reverse the \$2,000.00 assessment.

Item 9 involved a review of PREA Monitoring Reports on 10-21-2019 and 12-30-2019. It was determined that fifty-six (56) inmate comment entries were past due on 10-21-2019, and twenty-two (22) inmate comment entries were past due on 12-30-2019. This is a repeat finding from 4-30-2019. Therefore, the facility had previous notice of this issue and had not resolved it. As a result, the Department declines to reverse the \$11,000.00 assessment.

3. Release Procedures Standards

In your appeal, you request that TDOC review the calculation for the assessment of liquidated damages for the failure to meet one (1) Release Procedures Standard. The finding involves one inmate whose sentence expired on 12-25-2019. However, this inmate was held one day beyond his sentence expiration date and was released on 12-26-2019. You request that we consider changing the Relative Value of the Service Area assessed to Area 4 "Release Inmates" versus Service Area 1. This finding does not fall into the category of Release Inmates as that category would more appropriately be used for ensuring released inmates are provided with the necessary requirements at and after release such as medications, appointments, etc. As a result, the Department declines to reverse the \$625.00 assessment.



4. Search Standards

The finding for Item 3 involved a review of fifty-seven (57) inmate housing movements to ensure that cells were searched prior to the inmate(s) being moved into a new cell. It was determined that ten (10) cells were not searched prior to an inmate being housed in that cell. In your appeal, you state that four (4) of those ten (10) have documentation in TOMIS that the searches were conducted prior to the move. You reference December 4, 2019, and December 6, 2019, as the dates the searches were conducted.

To review your argument, we had our ITS Director pull a report from TOMIS which time stamps when the cell searches were entered into TOMIS. Two of those entries were made on December 10, 2019, and the other two were made on December 11, 2019, and December 19, 2019. All four (4) entries were backdated. Three were dated for December 4, 2019, and one was dated for December 6, 2019. While the dates do match your argument, those cell search dates were not actually entered into TOMIS on those dates. They were entered days later after the facility was put on notice of this finding. As a result, the Department declines to reverse the \$5,000.00 assessment.

5. Special Management Inmate Standards

In your appeal, you requested a review of the calculation for the assessment of liquidated damages for the failure to meet the Item 9b Standard. Upon review of this calculation, the Service Area Value should be 2 and the Relative Value of the Breach should be 4. As a result of this change, the assessment is reduced from \$3,500.00 to \$1,400.00.

You also requested a review of the calculation for the assessment of liquidated damages for failure to meet one (1) NIN Standard. This finding involved reviewing the irregular security checks of the segregation units/pods from January 7, 2020, to January 21, 2020. It was determined that there were seven (7) lapses in documented security checks with lapses ranging from over an hour to nearly ten (10) hours. You request specifically that we consider changing the Relative Value of the Breach from 5 (Failure to Comply with Other Applicable Standards) to 3 (Failure to Document). For this finding, the standard was not met because these irregular security checks were not being completed in the time frames required. As a result, the Department declines to reverse the \$3,500.00 assessment.

6. Grievance Standards

In your appeal, you request that TDOC reconsider the liquidated damage assessments for Items 2c, 2d, and 2f. After reviewing your argument and the documentation provided along with the contract monitor's documentation, we believe your argument has merit. Liquidated damages should not be assessed for these items. As a result, the Department will reverse the \$600.00 assessment for those three (3) items.



7. Security Equipment Standards

In your appeal, you request TDOC to consider changing the number of occurrences (for the calculation of liquidated damages) from seven (7) to one (1) for Item 5. This finding involved six (6) .38 caliber rounds of ammunition missing from the jump bag number 5. The number of occurrences is seven (7) because these rounds were missing for seven (7) days. Due to the significance of this finding, the Department declines to reduce the \$3,500.00 assessment.

8. Use of Force Standards

In your appeal, you request that TDOC review the assessment of liquidated damages for Items 2a, 2b, 2c, and 2e. After reviewing your arguments and documentation for Item 2a, we will reverse the assessment of \$1,500.00.

For Items 2b and 2c, you argue that the uses of force were reactive (verses proactive) so prior authorization and the video-recording requirement does not apply. We disagree due to the circumstances of those Uses of Force. Upon review of these arguments, the Department declines to reverse the two (2) \$1,000.00 assessments.

Item 2e involved a Use of Force in which prior approval was not possible, and the requirement that the Contract Monitor must be notified within one (1) hour was not met. You requested that TDOC consider changing the Breach Value from 5 (Failure to Comply with Other Standards) to 2 (Failure to Report) in the calculation of liquidated damages. The standard for this item is that the Contract Monitor must be notified within one (1) hour when prior approval is not possible. As a result, the Department declines to reverse the \$500.00 assessment.

9. Jobs Standards

In your appeal, you request that TDOC review the number of occurrences used in the calculation of liquidated damages for Item 3. This finding involved sentence credits not being entered by the required date for 630 offenders. It was also determined that not all supervisors had reviewed and provided a signature indicating that these inmates were due their sentence credits. The contractor never notified the Contract Monitor of this failure when it was discovered, instead, they notified the Sentence Management Division staff who then notified the Contract Monitor. The number of occurrences is seven (7) because this standard was not met for seven (7) months (June–December 2019). Due to the significance of this finding, the Department declines to reverse the \$4,375.00 assessment.

10. Behavioral Health and Medical Standards

In your appeal, you request TDOC to reconsider the assessment of liquidated damages for Item 12. You argue that the facility received 100 percent compliance in six (6) of the eight (8) categories, and if we average all eight (8) categories measured, then you will meet the 90 percent compliance requirement. However, each item is scored individually and that is how compliance is determined. We do not average the score for multiple items in one (1) standard. Therefore, you



do not meet compliance for Item 12 because you scored 40 percent for Item 12b and 80 percent for 12d. As a result, the Department declines to reverse the \$900.00 assessment.

11. Allowance for Overtime Costs for Failure to Fill Vacancies within 45 Days

In your appeal, you request TDOC allow credit for the usage of agency nurses to cover two (2) nurse vacancies. As stated in previous letters, we can only allow overtime credit when documentation is provided and is reconcilable. No documentation was provided for us to review. Going forward if you would like agency nurse costs to be considered to offset the assessment for vacancies over forty-five (45) days, this must be provided in response to the noncompliance reports. As a result of no documentation being provided, the Department declines to reverse the \$13,823.04 assessment for the two nurse vacancies.

As a result of these adjustments, liquidated damages in the amount of \$208,243.40 will be deducted from the State's next payment for services under the contract.

I do appreciate Trousdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of noncompliance. I also appreciate the partnership between TDOC, Trousdale County, and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Tony Parker
Commissioner

TP:KY

Enclosures

pc: Raymond Byrd, Warden, TTCC
Charles Keeton, Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Chuck Taylor, Deputy Commissioner/Chief of Staff, TDOC
Lisa Parks, Interim Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Kelly Young, Inspector General, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
John Fisher, Correctional Administrator, TDOC
Carolyn Jordan, Director, Contract Monitoring, TDOC
Chris Brun, Contract Monitor, TDOC
Jon Walton, Contract Monitor, TDOC



BILL LEE
GOVERNOR



LISA HELTON
INTERIM COMMISSIONER

STATE OF TENNESSEE
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January 6, 2023

Mr. Branden Bellar
Attorney at Law
206D Main Street
P.O. Box 192
Carthage, TN 37070

Dear Mr. Bellar:

SUBJECT: Assessment of Liquidated Damages Appeal Response for Trousdale Turner Correctional Center (TTCC) for January 1, 2022, to June 30, 2022

This letter is in response to your above-referenced appeal letter dated December 14, 2022, seeking reconsideration of certain liquidated damage assessments in the Department's January to June 2022 liquidated damages notice. The liquidated damages have been reviewed based upon your appeal and subsequent documentation. For reasons discussed below, the liquidated damages amount is hereby revised from \$2,532,283.92 to \$1,322,063.68.

Your appeal addresses the following:

- Requested that the former salary rate be used to calculate vacancy fines
- Requested a review of the vacancy spreadsheet to ensure credit was given for vacancies filled within the month
- Requested credits based upon the revised overtime costs submitted
- Requested credit for amounts spent on agency nursing staff
- Requested that the rate used for vacancies be applied to the vacant critical post assessment

Failure to Fill Vacancies within 45 Days, Less Overtime Costs

- a. In your appeal, you seek reconsideration of the hourly rate used to calculate the vacancy deductions for Correctional Officer, Senior Correctional Officer, Assistant Shift Supervisor, and Unit Manager positions. The salary matrix you provided was used to calculate these damages, but you are correct in that the matrix provided included the additional hourly increase. The rate has been adjusted and the overall vacancy fines assessed was reduced by \$432,614.40 bringing the assessment from \$3,018,139.54 to \$2,585,525.14

- b. The TTCC report was reviewed to ensure credit was given for positions filled within the month. It is of note that the staffing reports were amended by CoreCivic on November 16, 2022, for the period of January to June 2022. The amendment and subsequent review revealed initial errors resulting in a credit due of \$1,125.48.
- c. The overtime costs reported were understated by the associated benefits amount. With the additional information provided, the overtime credit will increase from \$1,287,325.86 to \$1,417,894.57
- d. The registry nursing costs during the 6-month period was calculated to be \$606,353.00. A credit will be granted to offset the fines received for vacancies in this area in the amount of \$264,527.78. Based on the increase in the costs of providing registry nursing, an additional credit of \$213,982.59 will be granted as an offset to vacancy damages assessed.

Summary of Vacancy Revisions	
Vacancies - Salaries and Benefits	\$2,585,525.14
Less Staffing Report Update Adjustments	\$1,125.48
Less Overtime Costs	\$1,417,894.57
Less Registry Nursing Fines	\$264,527.78
Less Registry Nursing Cost Increase Credit	\$213,982.59
Amended Total	\$687,994.72

Failure to Fill Critical Posts

The request to align the assessment amount in this category with the vacancy assessment is granted. The original assessment is reduced by \$167,401.28, bringing the assessment from \$675,770.24 to \$508,368.96.

Undisputed Amounts

Failure to Meet Disciplinary Standard	\$42,000.00
Failure to Meet Classification Standard	\$42,000.00
Failure to Meet Staffing Standard	\$41,700.00
Total Undisputed Amounts	\$125,700.00

Based upon these credits granted by the Department, the information received in your appeal, and the undisputed amounts, the final assessment of liquidated damages is reduced to \$1,322,063.68. This amount will be deducted from the State's next payment for services under the contract.



Mr. Branden Bellar
Page 3 of 3
January 6, 2023
TTCC LD Appeal Response–January to June 2022

I do appreciate CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Lisa Helton
Interim Commissioner

LH:KG

pc: Martin Frink, Warden, TTCC
Vance Laughlin, Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Richard Muckle, Chief of Staff, TDOC
Bo Irvin, Chief Financial Officer, TDOC
Jen Brenner, Deputy General Counsel, TDOC
Lee Dotson, Assistant Commissioner of Prisons, TDOC
Darren Settles, Deputy Assistant Commissioner, TDOC
Trinity Minter, Correctional Administrator, TDOC
Kimberly Gulden, Deputy Inspector General, TDOC
Lisa Parks, Budget & Fiscal Services Director, TDOC
Carolyn Jordan, Director, Contract Monitoring, TDOC
Kristy Carroll-Grimes, Director of Risk Mitigation and Contract Monitoring, TDOC



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February 22, 2022

Mr. Branden Bellar
Attorney at Law
516 Main Street North
P.O. Box 192
Carthage, TN 37030

Dear Attorney Bellar:

SUBJECT: Assessment of Liquidated Damages–Trousdale Turner Correctional Center (TTCC)

1. Failure to Meet Behavioral Health Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued three non-compliance reports to CoreCivic management at the TTCC on October 22, 2020, (Attachment A), February 2, 2021, (Attachment B), and June 15, 2021, (Attachment C) for failure to meet Behavioral Health Standards. The audit period for Attachment A is January 1, 2020–March 31, 2020, for Attachment B is April 1, 2020–September 30, 2020, and for Attachment C is January 1, 2021–March 31, 2021. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments A–C).

The following summarizes the liquidated damages for failure to meet thirteen (13) Behavioral Health Standards, as required:

Audit Standard	NRC Date	Relative Value of the Service Area	Relative View of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Behavioral Health 7 Essential (Repeat)	15-Jun-21	4	5	\$ 25.00	2	\$ 1,000.00
Behavioral Health 7 Essential (Repeat)	2-Feb-21	4	5	\$ 25.00	9	\$ 4,500.00
Behavioral Health 7 Essential (Repeat)	22-Oct-20	4	5	\$ 25.00	3	\$ 1,500.00
Behavioral Health 8 Essential (Repeat)	2-Feb-21	4	5	\$ 25.00	48	\$ 24,000.00
Behavioral Health 9 Essential (Repeat)	15-Jun-21	4	5	\$ 25.00	4	\$ 2,000.00
Behavioral Health 9 Essential (Repeat)	22-Oct-20	4	5	\$ 25.00	1	\$ 500.00
Behavioral Health 12 Essential (Repeat)	2-Feb-21	4	5	\$ 25.00	2	\$ 1,000.00
Behavioral Health 12 Essential (Repeat)	22-Oct-20	4	5	\$ 25.00	4	\$ 2,000.00
Behavioral Health 21 (Repeat)	15-Jun-21	4	5	\$ 25.00	16	\$ 8,000.00
Behavioral Health 21 (Repeat)	2-Feb-21	4	5	\$ 25.00	43	\$ 21,500.00
Behavioral Health 25 (Repeat)	15-Jun-21	4	5	\$ 25.00	2	\$ 1,000.00
Behavioral Health 64 Essential (Repeat)	15-Jun-21	4	3	\$ 25.00	4	\$ 1,200.00
Behavioral Health 66 Essential (Repeat)	15-Jun-21	4	5	\$ 25.00	5	\$ 2,500.00
Total Damages						\$ 70,700.00

2. Failure to Meet Classification Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC on April 23, 2021, and April 30, 2021, for failure to meet Classification Standards. The audit period for Attachment D is January 1, 2021–June 30, 2021, and the audit period for Attachment E is January 1, 2021–March 31, 2021.

Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments D–E).

The following summarizes the liquidated damages for failure to meet two (2) Classification Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Classification 1e Essential (Repeat)	30-Apr-21	5	5	\$ 25.00	2	\$ 1,250.00
Classification NIN (RNA) (Repeat)	23-Apr-21	5	5	\$ 25.00	17	\$ 10,625.00
Total Damages						\$ 11,875.00

3. Failure to Meet Count Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued three (3) non-compliance reports to CoreCivic management at the TTCC on August 4, 2020, (Attachment F), February 1, 2021, (Attachment G), and April 23, 2021, (Attachment H), for failure to meet Count Standards. The audit period for Attachment F is April 1, 2020–July 31, 2020, for Attachment G is July 1, 2020–December 31, 2020, and for Attachment H is January 1, 2021–March 31, 2021. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments F–H).

The following summarizes the liquidated damages for failure to meet ten (10) Count Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Count Item 1b (Repeat)	1-Feb-21	4	5	\$ 25.00	2	\$ 1,000.00
Count Item 2a (Essential) (Repeat)	23-Apr-21	4	5	\$ 25.00	3	\$ 1,500.00
Count Item 2a (Essential) (Repeat)	1-Feb-21	4	5	\$ 25.00	5	\$ 2,500.00
Count Item 2f (Essential) (Repeat)	23-Apr-21	4	5	\$ 25.00	27	\$ 13,500.00
Count Item 2f (Essential) (Repeat)	1-Feb-21	4	5	\$ 25.00	8	\$ 4,000.00
Count Item 4 (Repeat)	1-Feb-21	4	5	\$ 25.00	4	\$ 2,000.00
Count Item 4 (Repeat)	4-Aug-20	4	5	\$ 25.00	4	\$ 2,000.00
Count Item 6a (Essential) (Repeat)	23-Apr-21	4	5	\$ 25.00	3	\$ 1,500.00
Count Item 6a (Essential) (Repeat)	1-Feb-21	4	5	\$ 25.00	1	\$ 500.00
Count Item 6a (Essential) (Repeat)	4-Aug-20	4	5	\$ 25.00	2	\$ 1,000.00
Total Damages						\$ 29,500.00

4. Failure to Meet Disciplinary Procedure Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued two (2) non-compliance reports to CoreCivic management at the TTCC on April 4, 2020, (Attachment I), and again on April 23, 2021, (Attachment J), for failure to meet Disciplinary Procedure Standards. The audit period for Attachment I is April 1, 2020–June 30, 2020, and the audit period for Attachment J is January 1, 2021–March 31, 2021. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments I–J).

The following summarizes the liquidated damages for failure to meet two (2) Disciplinary Procedure Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Disciplinary Procedures 1a (Repeat)	23-Apr-21	5	5	\$ 25.00	6	\$ 3,750.00
Disciplinary Procedures 2f Essential (Repeat)	4-Aug-20	5	5	\$ 25.00	7	\$ 4,375.00
Total Damages						\$ 8,125.00



Department of
Correction

5. Failure to Meet Drug Testing Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC on February 25, 2021, for failure to meet Drug Testing Standards. The audit period for this finding is July 1, 2020–December 31, 2020. Detailed information concerning this finding is contained in the enclosed non-compliance report (Attachment K).

The following summarizes the liquidated damages for failure to meet one (1) Drug Testing Standard, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Drug Testing 3d Essential (Repeat)	25-Feb-21	4	5	\$ 25.00	4	\$ 2,000.00
Total Damages						\$ 2,000.00

6. Failure to Meet Grievance Standards

The TDOC Contract Monitor Jon Walton issued three (3) non-compliance reports to CoreCivic management at TTCC on April 4, 2020, (Attachment L), February 1, 2021, (Attachment M), and April 23, 2021, (Attachment N), for failure to meet Grievance Standards. The audit period for these findings in Attachment L is January 1, 2020–June 30, 2020, for Attachment M is July 1, 2020–December 31, 2020, and for Attachment N is January 1, 2021–June 30, 2021. Detailed information concerning these findings is listed in the enclosed non-compliance reports (Attachments L–N).

The following summarizes the liquidated damages for failure to meet four (4) Grievance Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Grievance 1 (Repeat)	1-Feb-21	2	4	\$ 25.00	2	\$ 400.00
Grievance 1 (Repeat)	4-Aug-20	2	4	\$ 25.00	10	\$ 2,000.00
Grievance 2c (Repeat)	23-Apr-21	2	4	\$ 25.00	11	\$ 2,200.00
Grievance 2d (Repeat)	23-Apr-21	2	4	\$ 25.00	11	\$ 2,200.00
Total Damages						\$ 6,800.00

7. Failure to Meet Health Services Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued three non-compliance reports to CoreCivic management at the TTCC on October 22, 2020, (Attachment A), February 2, 2021, (Attachment B), and June 15, 2021, (Attachment C) for failure to meet Health Services Standards. The audit period for Attachment A is January 1, 2020–March 31, 2020, for Attachment B is April 1, 2020–September 30, 2020, and for Attachment C is January 1, 2021–March 31, 2021. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments A–C).

The following summarizes the liquidated damages for failure to meet twenty-three (23) Health Services standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Health Services 5 (Repeat)	2-Feb-21	4	5	\$ 25.00	10	\$ 5,000.00
Health Services 5 (Repeat)	15-Jun-21	4	5	\$ 25.00	3	\$ 1,500.00
Health Services 9 (Repeat)	22-Oct-20	4	3	\$ 25.00	7	\$ 2,100.00
Health Services 10 (Repeat)	15-Jun-21	4	5	\$ 25.00	10	\$ 5,000.00
Health Services 11 (Repeat)	2-Feb-21	4	3	\$ 25.00	5	\$ 1,500.00
Health Services 11 (Repeat)	15-Jun-21	4	3	\$ 25.00	20	\$ 6,000.00
Health Services 24 (Repeat)	15-Jun-21	4	5	\$ 25.00	19	\$ 9,500.00
Health Services 29 Essential (Repeat)	2-Feb-21	4	5	\$ 25.00	6	\$ 3,000.00
Health Services 37 (Repeat)	15-Jun-21	4	3	\$ 25.00	19	\$ 5,700.00
Health Services 40 (Repeat)	15-Jun-21	4	5	\$ 25.00	18	\$ 9,000.00
Health Services 40 (Repeat)	2-Feb-21	4	5	\$ 25.00	13	\$ 6,500.00
Health Services 40 (Repeat)	22-Oct-20	4	5	\$ 25.00	13	\$ 6,500.00
Health Services 46 (Repeat)	15-Jun-21	4	3	\$ 25.00	3	\$ 900.00
Health Services 48 (Repeat)	15-Jun-21	4	5	\$ 25.00	10	\$ 5,000.00
Health Services 53 (Repeat)	15-Jun-21	4	5	\$ 25.00	33	\$ 16,500.00
Health Services 53 (Repeat)	15-Jun-21	4	3	\$ 25.00	18	\$ 5,400.00
Health Services 53 (Repeat)	2-Feb-21	4	5	\$ 25.00	112	\$ 56,000.00
Health Services 53 (Repeat)	2-Feb-21	4	3	\$ 25.00	9	\$ 2,700.00
Health Services 53 (Repeat)	22-Oct-20	4	5	\$ 25.00	52	\$ 26,000.00
Health Services 54 (Repeat)	15-Jun-21	4	3	\$ 25.00	7	\$ 2,100.00
Health Services 59 (Repeat)	15-Jun-21	4	5	\$ 25.00	4	\$ 2,000.00
Health Services 59 (Repeat)	2-Feb-21	4	5	\$ 25.00	11	\$ 5,500.00
Health Services 60 (Repeat)	15-Jun-21	4	5	\$ 25.00	4	\$ 2,000.00
Total Damages						\$ 185,400.00



8. Failure to Meet Inmate Jobs Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC on August 5, 2020, for failure to meet Inmate Jobs Standards. The audit period for this finding is January 1, 2020–June 30, 2020. Detailed information concerning this finding is contained in the enclosed non-compliance report (Attachment O).

The following summarizes the liquidated damages for failure to meet one (1) Inmate Jobs Standard, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Inmate Jobs 3 (Repeat)	5-Aug-20	5	5	\$ 25.00	1	\$ 625.00
Total Damages						\$ 625.00

9. Failure to Meet Policies and Procedure Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC on February 25, 2021, for failure to meet Policies and Procedures Standards. The audit period for this finding is July 1, 2020–December 31, 2020. Detailed information concerning this finding is contained in the enclosed non-compliance report (Attachment P).

The following summarizes the liquidated damages for failure to meet one (1) Policies and Procedures Standard, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Policies and Procedures NIN2 (Security Escort)	25-Feb-21	4	5	\$ 25.00	2	\$ 1,000.00
Total Damages						\$ 1,000.00

10. Failure to Meet Records and Reports Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued four (4) non-compliance reports to CoreCivic management at the TTCC on August 4, 2020, (Attachment Q), September 25, 2020, (Attachment R), February 1, 2021, (Attachment S), and April 23, 2021, (Attachment T) for failure to meet Records and Reports Standards. The audit period for Attachment Q is January 1, 2020–June 30, 2020, for Attachment R is July 1, 2020–September 30, 2020, for Attachment S is July 1, 2020–December 31, 2020, and for Attachment T

is January 1, 2021–March 31, 2021. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments Q–T).

The following summarizes the liquidated damages for failure to meet eleven (11) Records and Reports standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Records and Reports 1a (Repeat)	23-Apr-21	4	2	\$ 25.00	4	\$ 800.00
Records and Reports 1a (Repeat)	1-Feb-21	4	2	\$ 25.00	8	\$ 1,600.00
Records and Reports 1a (Repeat)	4-Aug-20	4	2	\$ 25.00	2	\$ 400.00
Records and Reports 2b	1-Feb-21	4	3	\$ 25.00	7	\$ 2,100.00
Records and Reports 2c Essential (Repeat)	23-Apr-21	4	2	\$ 25.00	6	\$ 1,200.00
Records and Reports 2c Essential (Repeat)	1-Feb-21	4	2	\$ 25.00	4	\$ 800.00
Records and Reports 2c Essential (Repeat)	4-Aug-20	4	3	\$ 25.00	4	\$ 1,200.00
Records and Reports 5 (Repeat)	25-Sep-20	4	5	\$ 25.00	6	\$ 3,000.00
Records and Reports 9 (Repeat)	23-Apr-21	4	3	\$ 25.00	3	\$ 900.00
Records and Reports 9 (Repeat)	1-Feb-21	4	3	\$ 25.00	2	\$ 600.00
Records and Reports 9 (Repeat)	4-Aug-20	4	3	\$ 25.00	3	\$ 900.00
Total Damages						\$ 13,500.00

11. Failure to Release Procedures Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued two (2) non-compliance reports to CoreCivic management at the TTCC on August 4, 2020, (Attachment U), and again on February 1, 2021, (Attachment V), for failure to meet Release Procedures Standards. The audit period for Attachment U is January 1, 2020–June 30, 2020, and the audit period for Attachment V is July 1, 2020–December 31, 2020. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments U–V).

The following summarizes the liquidated damages for failure to meet two (2) Release Procedures Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Release Procedures and Pre-Release 1f	4-Aug-20	4	2	\$ 25.00	1	\$ 200.00
Release Procedures and Pre-Release 1f Essential (Repeat)	1-Feb-21	5	4	\$ 25.00	3	\$ 1,500.00
Total Damages						\$ 1,700.00

12. Failure to Meet Safety and Emergency Procedures Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC on February 1, 2021, for failure to meet Safety and Emergency Procedures Standards. The audit period for this finding is July 1, 2020–December 31, 2020. Detailed information concerning this finding is contained in the enclosed non-compliance report (Attachment W).

The following summarizes the liquidated damages for failure to meet one (1) Safety and Emergency Procedures Standard, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Safety and Emergency Procedures item 2b (Repeat)	1-Feb-21	3	4	\$25	4	\$ 1,200.00
Total Damages						\$ 1,200.00

13. Failure to Meet Search Standards

The TDOC Contract Monitor Jon Walton issued three (3) non-compliance reports to CoreCivic management at TTCC on August 4, 2020, (Attachment X), February 1, 2021, (Attachment Y), and April 23, 2021, (Attachment Z), for failure to meet Search standards. The audit period for these findings in Attachment X is April 1, 2020–June 30, 2020, for Attachment Y is July 1, 2020–December 31, 2020, and for Attachment Z is January 1, 2021–March 31, 2021. Detailed information concerning these findings is listed in the enclosed non-compliance reports (Attachments X–Z).

The following summarizes the liquidated damages for failure to meet three (3) Search Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Searches 3 (Repeat)	23-Apr-21	4	5	\$25	12	\$ 6,000.00
Searches 3 (Repeat)	1-Feb-21	4	5	\$25	15	\$ 7,500.00
Searches 3 (Repeat)	4-Aug-20	4	5	\$25	7	\$ 3,500.00
Total Damages						\$ 17,000.00

14. Failure to Meet Security Equipment Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued four (4) non-compliance reports to CoreCivic management at the TTCC on August 4, 2020, (Attachment AA), February 25, 2021, (Attachment BB), April 23, 2021, (Attachment CC), and April 30, 2021, (Attachment DD) for failure to meet Security Equipment Standards. The audit period for Attachment AA is January 1, 2020–June 30, 2020, for Attachment BB is July 1, 2020–December 31, 2020, for Attachment CC is January 1, 2021–March 31, 2021, and for Attachment DD is October 1, 2020–March 31, 2021. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments AA–DD).

The following summarizes the liquidated damages for failure to meet eleven (11) Security Equipment Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Security Equipment 11a Essential (Repeat)	4-Aug-20	4	5	\$25.00	8	\$ 4,000.00
Security Equipment 11g Essential (Repeat)	30-Apr-21	4	5	\$25.00	18	\$ 9,000.00
Security Equipment 11g Essential (Repeat)	4-Aug-20	4	5	\$25.00	10	\$ 5,000.00
Security Equipment 2 Essential (Repeat)	25-Feb-21	4	5	\$25.00	1	\$ 500.00
Security Equipment 2 Essential (Repeat)	4-Aug-20	4	5	\$25.00	1	\$ 500.00
Security Equipment 3 Essential (Repeat)	23-Apr-21	4	5	\$25.00	2	\$ 1,000.00
Security Equipment 3 Essential (Repeat)	25-Feb-21	4	5	\$25.00	2	\$ 1,000.00
Security Equipment 4 (Repeat)	23-Apr-21	4	5	\$25.00	2	\$ 1,000.00
Security Equipment 5 Essential (Repeat)	4-Aug-20	4	5	\$25.00	3	\$ 1,500.00
Security Equipment NIN (Armed Escort Supervision)	25-Feb-21	4	5	\$25.00	1	\$ 500.00
Security Equipment NIN (Perimeter Patrol Equipment)	25-Feb-21	4	5	\$25.00	4	\$ 2,000.00
Total Damages						\$ 26,000.00

15. Failure to Meet Special Management Inmate Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued four (4) non-compliance reports to CoreCivic management at the TTCC on August 4, 2020, (Attachment EE), February 25, 2021, (Attachment FF), April 23, 2021, (Attachment GG), and April 30, 2021, (Attachment HH) for failure to meet Special Management Inmate Standards. The audit period for Attachment EE is April 1, 2020–June 30, 2020, for Attachment FF is July 1, 2020–December 31, 2020, and for Attachment GG and HH is January 1, 2021–March 31, 2021. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments EE–HH).

The following summarizes the liquidated damages for failure to meet eighteen (18) Special Management Inmate standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Special Management 10 (Repeat)	23-Apr-21	4	5	\$ 25.00	20	\$ 10,000.00
Special Management 10 (Repeat)	25-Feb-21	4	5	\$ 25.00	37	\$ 18,500.00
Special Management 10 (Repeat)	4-Aug-20	4	5	\$ 25.00	16	\$ 8,000.00
Special Management 11 (Repeat)	25-Feb-21	4	5	\$ 25.00	4	\$ 2,000.00
Special Management 2b Essential (Repeat)	30-Apr-21	4	5	\$ 25.00	2	\$ 1,000.00
Special Management 7b Essential (Repeat)	25-Feb-21	4	5	\$ 25.00	6	\$ 3,000.00
Special Management 8a Essential (Repeat)	25-Feb-21	4	3	\$ 25.00	4	\$ 1,200.00
Special Management 8b Essential (Repeat)	4-Aug-20	4	3	\$ 25.00	3	\$ 900.00
Special Management 8c (Repeat)	25-Feb-21	4	5	\$ 25.00	6	\$ 3,000.00
Special Management 8c (Repeat)	4-Aug-20	4	5	\$ 25.00	6	\$ 3,000.00
Special Management 8d (Repeat)	25-Feb-21	4	5	\$ 25.00	14	\$ 7,000.00
Special Management 8d (Repeat)	4-Aug-20	4	5	\$ 25.00	6	\$ 3,000.00
Special Management 9a (Repeat)	25-Feb-21	4	5	\$ 25.00	34	\$ 17,000.00
Special Management 9a (Repeat)	4-Aug-20	4	5	\$ 25.00	6	\$ 3,000.00
Special Management 9b (Repeat)	23-Apr-21	2	4	\$ 25.00	20	\$ 4,000.00
Special Management 9b (Repeat)	25-Feb-21	2	4	\$ 25.00	69	\$ 13,800.00
Special Management 9b (Repeat)	4-Aug-20	2	4	\$ 25.00	12	\$ 2,400.00
Special Management 9e Essential (Repeat)	25-Feb-21	4	5	\$ 25.00	1	\$ 500.00
Total Damages						\$ 101,300.00



16. Failure to Meet Use of Force Standards

The TDOC Contract Monitor Jon Walton issued three (3) non-compliance reports to CoreCivic management at TTCC on August 4, 2020, (Attachment II), February 25, 2021, (Attachment JJ), and April 23, 2021, (Attachment KK), for failure to meet Use of Force Standards. The audit period for these findings in Attachment II is January 1, 2020–June 30, 2020, for Attachment JJ is July 1, 2020–December 31, 2020, and for Attachment KK is January 1, 2021–March 31, 2021. Detailed information concerning these findings is listed in the enclosed non-compliance reports (Attachments II–KK).

The following summarizes the liquidated damages for failure to meet eight (8) Use of Force Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Use of Force 2a (Repeat)	23-Apr-21	4	3	\$ 25.00	6	\$ 1,800.00
Use of Force 2b	23-Apr-21	4	5	\$ 25.00	1	\$ 500.00
Use of Force 2c (Repeat)	23-Apr-21	4	5	\$ 25.00	1	\$ 500.00
Use of Force 2c (Repeat)	25-Feb-21	4	5	\$ 25.00	3	\$ 1,500.00
Use of Force 2d (Repeat)	25-Feb-21	4	5	\$ 25.00	5	\$ 2,500.00
Use of Force 2d (Repeat)	4-Aug-20	4	5	\$ 25.00	4	\$ 2,000.00
Use of Force 2e Essential (Repeat)	23-Apr-21	4	5	\$ 25.00	2	\$ 1,000.00
Use of Force 2e Essential (Repeat)	25-Feb-21	4	5	\$ 25.00	1	\$ 500.00
Total Damages						\$ 10,300.00

17. Failure to Meet Staffing Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued twelve (12) non-compliance reports to CoreCivic management at the TTCC on September 25, 2020, (Attachments LL–PP), February 25, 2021, (Attachments QQ–TT), April 23, 2021, (Attachment UU), April 30, 2021, (Attachment VV), and May 25, 2021, (Attachment WW) for failure to meet Staffing Standards. Detailed information concerning these findings is contained in the enclosed non-compliance reports (Attachments LL–WW).

The following summarizes the liquidated damages for failure to meet seventeen (17) Staffing standards, as required:



Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Staffing 1b DEC	25-Feb-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 1b MARCH (Repeat)	30-Apr-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 2a DEC Essential	25-Feb-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 2a MARCH Essential (Repeat)	30-Apr-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 6a JUNE (Repeat) 2020	25-Sep-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 6b APRIL (Repeat) 2021	25-May-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 6b JULY (Repeat) 2020	25-Sep-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 APRIL (Repeat) 2021	25-May-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 AUG (Repeat) 2020	25-Feb-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 FEB (Repeat) 2020	25-Sep-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 FEB (Repeat) 2021	23-Apr-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 JULY (Repeat) 2020	25-Sep-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 JUNE (Repeat) 2020	25-Sep-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 MAR (Repeat) 2020	25-Sep-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 MAY (Repeat) 2020	25-Sep-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 OCT (Repeat) 2020	25-Feb-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 SEPT (Repeat) 2020	25-Feb-21	4	5	\$ 25.00	1	\$ 500.00
Total Damages						\$ 8,500.00



18. Failure to Fill Critical Posts

On September 25, 2020, February 25, 2021, April 23, 2021, and on May 25, 2021, the TDOC Contract Monitor Jon Walton issued non-compliance reports for failure to fill critical posts as required by the contract between the State and CoreCivic, for operation of TTCC. The audit period for these findings is February 1, 2020–April 30, 2021. Detailed information concerning these findings is listed in the enclosed non-compliance reports. (Attachments LL–UU, WW–AAA) The liquidated damages for failure to fill critical posts is **\$1,685,538.87**.

The following summarizes the liquidated damages for failure to meet fill Critical Posts, as required:

Audit Standard	NCR Date	Number of Occurrences	Total Damages
Staffing 2b Essential APRIL (Repeat) 2020	25-Sep-20	185	\$ 40,775.69
Staffing 2b Essential APRIL (Repeat) 2021	25-May-21	466	\$ 166,003.47
Staffing 2b Essential AUG (Repeat) 2020	25-Feb-21	235	\$ 69,489.58
Staffing 2b Essential DEC (Repeat) 2020	25-Feb-21	733	\$ 281,165.97
Staffing 2b Essential FEB (Repeat) 2020	25-Sep-20	94	\$ 24,213.19
Staffing 2b Essential FEB (Repeat) 2021	23-Apr-21	433	\$ 147,479.17
Staffing 2b Essential JAN (Repeat) 2021	23-Apr-21	594	\$ 224,061.11
Staffing 2b Essential JULY (Repeat) 2020	25-Sep-20	207	\$ 59,747.22
Staffing 2b Essential JUNE(Repeat) 2020	25-Sep-20	97	\$ 27,319.44
Staffing 2b Essential MAR (Repeat) 2020	25-Sep-20	96	\$ 24,059.03
Staffing 2b Essential MAR (Repeat) 2021	23-Apr-21	500	\$ 177,425.69
Staffing 2b Essential MAY (Repeat) 2020	25-Sep-20	196	\$ 58,541.67
Staffing 2b Essential NOV (Repeat) 2020	25-Feb-21	605	\$ 235,471.53
Staffing 2b Essential OCT (Repeat) 2020	25-Feb-21	363	\$ 102,927.78
Staffing 2b Essential SEPT(Repeat) 2020	25-Feb-21	176	\$ 46,858.33
Total Damages		4980	\$ 1,685,538.87

Please see Attachments BBB–PPP for the calculation of these liquidated damages.

19. Failure to Fill Vacancies within 45 Days Less Overtime Costs

On September 25, 2020, February 25, 2021, April 23, 2021, April 30, 2021, and May 25, 2021, the TDOC Contract Monitor Jon Walton issued a non-compliance report for failure to fill vacancies with forty-five (45) days as required by the contract between the State and CoreCivic, for operation of TTCC. The audits periods for these findings is February 2020–April 2021 (Attachments LL – ZZ). The estimated salaries and benefits of these vacant positions are listed in Attachments QQ–EEEE. Documentation of overtime costs for the months of February 2020–April 2021 is included in Attachments FFFF–TTTT. Detailed information concerning these findings is listed in the enclosed non-compliance reports (Attachments QQ–EEEE).

The following summarizes the liquidated damages for failure to fill vacancies within forty-five (45) days, as required:

Audit Standard	NCR Date	Time Period	Estimated Daily Salary	Overtime Costs	Resulting Damages
Staffing 9 Essential (Repeat)	25-Sep-20	Apr-20	\$ 364,996.29	\$ 179,705.77	\$ 185,290.52
Staffing 9 Essential (Repeat)	25-May-21	Apr-21	\$ 440,848.40	\$ 60,996.61	\$ 379,851.79
Staffing 9 Essential (Repeat)	25-Feb-21	Aug-20	\$ 428,890.88	\$ 191,673.49	\$ 237,217.39
Staffing 9 Essential (Repeat)	25-Feb-21	Dec-20	\$ 691,556.93	\$ 55,800.16	\$ 635,756.77
Staffing 9 Essential (Repeat)	25-Sep-20	Feb-20	\$ 253,503.14	\$ 128,868.88	\$ 124,634.26
Staffing 9 Essential (Repeat)	23-Apr-21	Feb-21	\$ 467,759.42	\$ 53,273.42	\$ 414,486.00
Staffing 9 Essential (Repeat)	23-Apr-21	Jan-21	\$ 596,268.65	\$ 55,846.55	\$ 540,422.10
Staffing 9 Essential (Repeat)	25-Sep-20	Jul-20	\$ 306,583.45	\$ 178,205.13	\$ 128,378.32
Staffing 9 Essential (Repeat)	25-Sep-20	Jun-20	\$ 292,739.03	\$ 169,700.52	\$ 123,038.51
Staffing 9 Essential (Repeat)	25-Sep-20	Mar-20	\$ 235,520.90	\$ 204,634.25	\$ 30,886.65
Staffing 9 Essential (Repeat)	30-Apr-21	Mar-21	\$ 437,460.57	\$ 60,030.04	\$ 377,430.53
Staffing 9 Essential (Repeat)	25-Sep-20	May-20	\$ 322,670.59	\$ 134,896.14	\$ 187,774.45
Staffing 9 Essential (Repeat)	25-Feb-21	Nov-20	\$ 641,650.57	\$ 110,825.72	\$ 530,824.86
Staffing 9 Essential (Repeat)	25-Feb-21	Oct-20	\$ 529,080.82	\$ 152,079.16	\$ 377,001.66
Staffing 9 Essential (Repeat)	25-Feb-21	Sep-20	\$ 459,108.46	\$ 189,895.59	\$ 269,212.87
Total Damages					\$ 4,542,206.68

*See attachments QQ–EEEE for more information.



As a result of these findings of non-compliance and in accordance with Section E.14 and Appendix D of the contract between the State and Trousdale County, I find Trousdale County to be in breach of contract, and I am directing that liquidated damages in the amount of \$6,723,270.55 be withheld from payment to CoreCivic. You have the right to appeal this assessment within 30 days of your receipt of this letter. After review of your appeal, I will determine the final amount of liquidated damages to be assessed. The liquidated damages will then be deducted from the State's next payment for services under the contract.

I do appreciate Trousdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC, Trousdale County, and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Lisa Helton
Interim Commissioner

LH:KY

Enclosures

pc: Martin Frink, Warden, TTCC
Vance Laughlin, Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Bo Irvin, Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
John Fisher, Correctional Administrator, TDOC
Kelly Young, Inspector General, TDOC
Lisa Parks, Director of Budget & Fiscal Services
Carolyn Jordan, Director, Contract Monitoring, TDOC
Chris Brun, Contract Monitor, TDOC
Jon Walton, Contract Monitor, TDOC

December 15, 2022

Via email to: Lisa.Helton@tn.gov

Lisa Helton, Interim Commissioner
Tennessee Department of Correction
Rachel Jackson Building, Sixth Floor
Nashville, Tennessee 37243-0465

Re: Trousdale Turner Correctional Center
Liquidated Damages - January 1, 2022 to June 30, 2022

Dear Commissioner Helton:

This letter is sent in response to your letter of November 22, 2022, in which letter you notified Trousdale County of the Department's intention to assess liquidated damages in the amount of \$2,532,283.92 for the months of January through June of 2022. Trousdale Turner Correctional Center (TTCC), has taken a look at the proposed liquidated damages and hereby requests reconsideration of some of the amounts assessed, as discussed in detail below.

1. **Failure to Fill Vacancies within 45 Day, Less Overtime Costs**

- a. The hourly rates used to calculate the vacancy deductions for Correctional Officer, Senior Correctional Officer, Assistant Shift Supervisor, Shift Supervisor and Unit Manager positions should be reduced to account for the monthly deductions already taken for these positions.

First, the hourly amounts that TDOC used as the basis for its liquidated damages are not consistent with the hourly amounts that were agreed to for the positions of Correctional Officer, Senior Correctional Officer, Assistant Shift Supervisor and Shift Supervisor in Amendment 1. As discussed further below, we propose that the same rates are used for position-related deductions/damages so that we can better understand, track and explain the assessments to our various constituents.

Below, we outline the difference between the agreed-upon TDOC Entry Wage Total in Amendment 1 and the rates used as the basis for January - June 2022 vacancy damages.

	Amendment 1 Entry Hourly Rate (Previous Entry Wage + Allowable Hourly Increase)	January - June 2022 Assessed Hourly Rate
Correctional Officer	\$25.62	\$26.32
Senior Correctional Officer	\$29.69	\$30.48
Assistant Shift Supv.	\$34.35	\$35.29

Shift Supv.	\$37.87	\$38.90
Unit Manager	\$36.07	N/A

Under section C.3.b (5) and Appendix C of the contract, the Department pays a Salary Increase Per Diem, in exchange for which TTCC pays an "Allowable Hourly Increase" for the positions listed above. On a monthly basis TTCC must submit Appendix C, documenting the extent to which TTCC compensated employees in these positions and the extent to which any of these positions were vacant during the month. If a position is vacant, TTCC's invoice is reduced in accordance with the schedule in section C.3.b (6). The schedule established the formula for the monthly deduction for each vacant position as: the Allowable Hourly Increase \times 2080 \div 12.

For example, for the months of January through June of 2022, TDOC assessed liquidated damages for Correctional Officer vacancies at an hourly rate of \$26.32.¹ But, for vacant Correctional Officer positions, the Department has already reduced TTCC's compensation based on the \$5.87 Allowable Hourly Increase. Therefore, the amount assessed here for Correctional Officers should be reduced by \$5.87 per hour. The same process should apply to the other affected titles, with the assessed amount being based on the "Previous Entry Wage Total" hourly rates in Amendment 1 (e.g., \$16.50 for Correctional Officers) As such, we request to reduce the hourly rates at which the vacancy fines for these positions are assessed, such that the total assessment is reduced by \$432,614.40 from \$3,018,139.54 to \$2,585,525.14.

b. Based on TTCC's analysis, it appears that the facility was not given credit for positions that were filled at some point during the month. This is most prevalent for January; however, we request an opportunity to discuss this matter with TDOC to ensure that the facility is not assessed vacancy fines beginning with the day the position is filled.

c. CoreCivic's Reported Overtime Costs are understated by the associated benefits amount. We request to increase the amount of overtime credit from 1,287,325.86 to \$1,417,894.57. Including benefits in the overtime offset is consistent with the use of benefits in the calculation of the deduction.

d. Finally, TTCC incurred \$606,353.00 in registry nursing costs during this 6-month period. We request consideration of these expenses as a credit against the total assessment for vacancies over 45 days.

	TDOC 11/22/22	TTCC 12/13/22
Vacancies - Salaries and Benefits	\$3,018,139.54	\$2,585,525.14 ²
Less Overtime Costs	\$1,287,325.86	\$1,474,665.84
Less Registry Nursing	\$0.00	\$606,353.00
Total Damages	\$1,730,813.68	\$504,506.30

¹ Based on Amendment 1 and as discussed above, the hourly assessment should be: \$25.62- \$5.87 = \$19.75

² This amount is subject to change based on discussion with the Department as outlined in paragraph 1.a.

2. Failure to Fill Critical Posts

To the extent assessments in this category are appropriate, we request to align the assessment amount in this category to the assessment amount in other categories. For example, if the amount assessed for Correctional Officer Vacancies Over 45 Days is \$19.75 per hour, then we request that the assessment amount for Correctional Officer Critical Post Vacancies is also \$19.75 per hour. We are open to discussing with the Department what this rate should be for the months of January through October of 2022. However, this will not be an issue for fines assessed after November 1, 2022.

CoreCivic, the County's subcontractor, has assured the County that it takes all of its obligations under the contract seriously. The County, CoreCivic and the team at TTCC thank the Department for this longstanding partnership. As CoreCivic and the Department have discussed on other occasions, we believe that the efficacy of the audits can be improved tremendously if the audits are conducted, and the results are communicated during or soon after the period that is the subject of the review. Going forward, we would also welcome the opportunity to discuss the assessment methodology prior to the time the Department issues assessment letters.

Thank you for considering this appeal. We look forward to reaching a mutually satisfactory resolution.

Sincerely,



Jack McCall, Mayor



Branden Bellar, County Attorney

cc: Jerry Lankford, CoreCivic (via email to: Jerry.Lankford@CoreCivic.com)
Jason Medlin, CoreCivic (via email to: Jason.Medlin@CoreCivic.com)
Patricia Crockett (via email to: Patricia.Crockett@tn.gov)
Kelly Young (via email to: Kelly.Young@tn.gov)

BILL LEE
GOVERNOR



LISA HELTON
COMMISSIONER

STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
SIXTH FLOOR RACHEL JACKSON BUILDING
320 SIXTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-0465
OFFICE (615) 253-8139 • FAX (615) 532-8281

June 28, 2022

Mr. Branden Bellar
Attorney at Law
206D Main Street
P.O. Box 192
Carthage, TN 37070

Dear Mr. Bellar:

SUBJECT: Appeal of Liquidated Damage (LD) Assessments for Trousdale Turner Correctional Complex (TTCC)

This letter is in response to your above referenced appeal of the liquidated damage assessment dated February 22, 2022, for Trousdale Turner Correctional Complex. TDOC and Core Civic have been in continuous communication regarding the basis of this appeal and the underlying liquidated damage assessments. The purpose of this letter is to memorialize the basis of the appeal and provide the final response by the Department.

Basis of Appeal of Liquidated Damage Assessment and TDOC Determination

As stated above, the Department and Core Civic have been in discussion regarding these liquidated assessments and the basis for the appeal/reconsideration of certain LD assessments. Primarily, the core basis that Core Civic has presented for consideration by the Department is the impact that the Covid-19 Pandemic has had upon the operation of TTCC. In this appeal process, Core Civic has presented the position that Covid-19 amounted to a Force Majeure event as referenced in Section D.16 of the contract between the Department and Trousdale County, of which Core Civic is bound as a sub-contractor of the county.

The Department agrees with your assertion that the Covid pandemic qualifies as a force majeure event. This pandemic continues to have a lasting impact on corrections entities being able to adequately staff their institutions. As such, the Department will grant your appeal with regard to the specific liquidated damage assessments pertaining to failure to fill vacancies over 45 days contained in the above referenced assessment for the time period of May 2020 through June 2021.

Therefore, the Department is waiving the liquidated damages assessed for failure to fill vacancies in the amount of \$4,201,395.25. As a result of this adjustment, liquidated damages in the amount of \$2,521,875.30 will be deducted from the State's next payment for services under the contract.

I do appreciate Trousdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC, Trousdale County and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Lisa Helton
Interim Commissioner

LH:KY

Pc: Raymond Byrd, Warden, TTCC
Charles Keeton, Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Kelly Young, Inspector General, TDOC
Bo Irvin, CFO, TDOC
Lisa Parks, Director of Budget, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
Trinity Minter, Correctional Administrator, TDOC
Kim Gulden, Deputy Inspector General, TDOC
Carolyn Jordan, Director, Contract Monitoring of Privately Managed Facilities, TDOC

BILL LEE
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March 16, 2020

Mr. Branden Bellar
Attorney at Law
206D Main Street
P.O. Box 192
Carthage, TN 37070

Dear Attorney Bellar:

SUBJECT: Assessment of Liquidated Damages–Trousdale Turner Correctional Center (TTCC)

1. Failure to Meet Special Management Inmate Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on October 31, 2019, for failure to meet four (4) Special Management Inmate standards. The audit period for these findings is July 1, 2019–September 30, 2019. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment A).

The following summarizes the liquidated damages for failure to meet Special Management Inmate Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Special Management 7b Repeat	31-Oct-19	5	5	\$ 25.00	3	\$ 1,875.00
Special Management 8b Essential Repeat	31-Oct-19	5	5	\$ 25.00	6	\$ 3,750.00
Special Management 8c Repeat	31-Oct-19	5	5	\$ 25.00	3	\$ 1,875.00
Special Management 10 Repeat	31-Oct-19	2	1	\$ 25.00	5	\$ 250.00
Total						\$ 7,750.00

2. Failure to Meet Security Equipment Standards

On October 31, 2019, the TDOC Contract Monitors Brad Cotham and Chris Brun issued a non-compliance report (Attachment B) to CoreCivic management at the TTCC, for failure to meet three (3) Security Equipment standards. The audit period for these findings is July 1, 2019–September 30, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance report.

The following summarizes the liquidated damages for failure to meet Security Equipment standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Security Equipment 3 Essential Repeat	31-Oct-19	4	5	\$ 25.00	1	\$ 500.00
Security Equipment 11g Essential Repeat	31-Oct-19	4	5	\$ 25.00	6	\$ 3,000.00
Security Equipment 12b Essential	31-Oct-19	4	5	\$ 25.00	22	\$ 11,000.00
Total						\$ 14,500.00

3. Failure to Meet Count Standards

On September 30, 2019, the TDOC Contract Monitors Brad Cotham and Chris Brun issued a non-compliance report (Attachment C) to CoreCivic management at TTCC, for failure to meet four (4) Count standards. The audit period for these findings is July 1, 2019–September 30, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance report.

The following detailed the liquidated damages for failure to meet Count standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Count Procedures 1a Essential Repeat	30-Sep-19	4	5	\$ 25.00	1	\$ 500.00
Count Procedures 2d Repeat	30-Sep-19	4	5	\$ 25.00	2	\$ 1,000.00
Count Procedures 4	30-Sep-19	4	5	\$ 25.00	2	\$ 1,000.00
Count Procedures 6a Essential Repeat	30-Sep-19	4	5	\$ 25.00	3	\$ 1,500.00
Total						\$ 4,000.00

4. Failure to Meet Search Standard

On October 31, 2019, the TDOC Contract Monitors Brad Cotham and Chris Brun issued a non-compliance report (Attachment D) to CoreCivic management at TTCC, for failure to meet one (1) Search standard. The audit period for this finding is July 1, 2019–September 30, 2019. Detailed information concerning this finding is listed in the enclosed non-compliance report.

The following summarizes the liquidated damages for failure to meet the Search standard, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Searches 3 Essential	31-Oct-19	4	5	\$ 25.00	7	\$ 3,500.00
Total						\$ 3,500.00



5. Failure to Meet Behavioral Health and Medical Standards

On September 30, 2019, the TDOC Contract Monitor Brad Cotham issued a non-compliance report to CoreCivic management at TTCC, for failure to meet Behavioral Health standards and Medical standards. The audit period for these findings is April 1, 2019–June 30, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance report (Attachment E).

The following summarizes the liquidated damages for failure to meet five (5) Behavioral Health and eight (8) Medical standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Behavioral Health 8a Essential Repeat	30-Sep-19	4	5	\$ 25.00	3	\$ 1,500.00
Behavioral Health 8b Essential Repeat	30-Sep-19	4	3	\$ 25.00	7	\$ 2,100.00
Behavioral Health 9 Essential Repeat	30-Sep-19	4	5	\$ 25.00	3	\$ 1,500.00
Behavioral Health 12 Essential Repeat	30-Sep-19	4	3	\$ 25.00	6	\$ 1,800.00
Behavioral Health 15 Repeat	30-Sep-19	4	5	\$ 25.00	10	\$ 5,000.00
Behavioral Health 22	30-Sep-19	4	5	\$ 25.00	4	\$ 2,000.00
Medical 3 Essential Repeat	30-Sep-19	4	5	\$ 25.00	3	\$ 1,500.00
Medical 9 Repeat	30-Sep-19	4	5	\$ 25.00	6	\$ 3,000.00
Medical 12 Repeat	30-Sep-19	4	5	\$ 25.00	6	\$ 3,000.00
Medical 18 Repeat	30-Sep-19	4	5	\$ 25.00	5	\$ 2,500.00
Medical 30 Essential	30-Sep-19	4	5	\$ 25.00	1	\$ 500.00
Medical 33 Essential Repeat	30-Sep-19	4	5	\$ 25.00	2	\$ 1,000.00
Medical 40 Repeat	30-Sep-19	4	5	\$ 25.00	16	\$ 8,000.00
Medical 53	30-Sep-19	4	5	\$ 25.00	4	\$ 2,000.00
Total						\$ 35,400.00

6. Failure to Meet Clothing, Sanitation, and Hygiene Standard

On September 30, 2019, the TDOC Contract Monitor Brad Cotham issued a non-compliance report to CoreCivic management at TTCC, for failure to meet one (1) Clothing, Sanitation, and Hygiene standard. The dates of observation for this finding are April 17, 2019, and July 12, 2019. Detailed information concerning this finding is listed in the enclosed non-compliance report (Attachment F).

The following summarizes the liquidated damages for failure to meet the Clothing, Sanitation, and Hygiene standard, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Clothing, Sanitation, Hygiene NIN	30-Sep-19	5	5	\$ 25.00	8	\$ 5,000.00
Total						\$ 5,000.00



7. Failure to Fill Critical Posts –Essential (Repeat)

On September 30, 2019, and October 31, 2019, the TDOC Contract Monitor Brad Cotham issued a non-compliance report for failure to fill critical posts as required by the contract between the State and Core Civic, for operation of TTCC. Attachment G is for the audit period of July 1, 2019–July 31, 2019, Attachment H is for the audit period of August 1, 2019–August 30, 2019, and Attachment I is for the audit period of September 1, 2019–September 30, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance reports.

The liquidated damages for failure to fill critical posts are **\$9,295.83**. Please see Attachment J for the calculation of these liquidated damages.

8. Failure to Fill Vacancies within 45 Days Less Overtime Costs

On September 30, 2019, and October 31, 2019, the TDOC Contract Monitor Brad Cotham issued a non-compliance report for failure to fill vacancies with forty-five (45) days as required by the contract between the State and CoreCivic, for operation of TTCC. Attachment G is for the audit period of July 1, 2019–July 31, 2019, Attachment H is for the audit period of August 1, 2019–August 30, 2019, and Attachment I is for the audit period of September 1, 2019–September 30, 2019. Documentation of overtime costs for the months of July–September 2019 is included in Attachments K–M. Detailed information concerning these findings is listed in the enclosed non-compliance reports.

The following summarizes the liquidated damages for failure to fill vacancies within forty-five (45) days, as required:

NCR Date	Time Period	Estimated Daily Salary and Benefits	Overtime Costs Incurred	Resulting Damages
30-Sep-19	Jul-19	\$231,483.96	\$ 239,674.93	\$0.00
30-Sep-19	Aug-19	\$301,887.88	\$ 269,848.24	\$32,039.64
31-Oct-19	Sep-19	\$308,747.52	\$ 245,072.67	\$63,674.85
Total				\$95,714.49

*See Attachments K - P for more information.

As a result of these findings of non-compliance and in accordance with Section E.14 and Appendix D of the contract between the State and Trousdale County, I find Trousdale County to be in breach of contract, and I am directing that liquidated damages in the amount of **\$175,160.32** be withheld from payment to CoreCivic. The liquidated damages will be deducted from the State's next payment for services under the contract.



I do appreciate Trousdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC, Trousdale County, and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Tony Parker
Commissioner

TP:DKI
Enclosures

pc: Russell Washburn, Warden, TTCC
Charles Keeton, Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Chuck Taylor, Deputy Commissioner/Chief of Staff, TDOC
Lisa Parks, Interim Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
John Fisher, Correctional Administrator, TDOC
Donna Turner, Director, OIC, TDOC
Carolyn Jordan, Director, Contract Monitoring, TDOC
Chris Brun, Contract Monitor, TDOC
Jon K. Walton, Contract Monitor, TDOC



BILL LEE
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June 3, 2020

Mr. Branden Bellar
Attorney at Law
516 Main Street North
P.O. Box 192
Carthage, TN 37070

Dear Mr. Bellar:

SUBJECT: Assessment of Liquidated Damages--Trousdale Turner Correctional Center (TTCC)

1. Failure to Meet Count Standards

The Tennessee Department of Correction (TDOC) Contract Monitors Jon Walton and Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on December 31, 2019, for failure to meet four (4) Count standards. The audit period for these findings is October 1, 2019–December 31, 2019. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment A).

The following summarizes the liquidated damages for failure to meet the Count Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Count 2d (Repeat)	31-Dec-19	4	5	\$ 25.00	4	\$ 2,000.00
Count 4 (Repeat)	31-Dec-19	4	5	\$ 25.00	5	\$ 2,500.00
Count 5a Essential (Repeat)	31-Dec-19	4	5	\$ 25.00	1	\$ 500.00
Count 6a Essential (Repeat)	31-Dec-19	4	5	\$ 25.00	3	\$ 1,500.00
Total						\$ 6,500.00

2. Failure to Meet Disciplinary Procedures Standards

The Tennessee Department of Correction (TDOC) Contract Monitors Jon Walton and Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on December 31, 2019, for failure to meet three (3) Disciplinary Procedures standards. The audit period for these findings is July 1, 2019–December 31, 2019. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment B).

The following summarizes the liquidated damages for failure to meet the Disciplinary Procedures Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Disciplinary Procedures 1a	31-Dec-19	5	5	\$ 25.00	10	\$ 6,250.00
Disciplinary Procedures 2f Essential (Repeat)	31-Dec-19	5	5	\$ 25.00	1	\$ 625.00
Disciplinary Procedures 2g Essential (Repeat)	31-Dec-19	5	5	\$ 25.00	4	\$ 2,500.00
Total						\$ 9,375.00

3. Failure to Meet Drug Testing Standards

The Tennessee Department of Correction (TDOC) Contract Monitors Jon Walton and Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on December 31, 2019, for failure to meet two (2) Drug Testing standards. The audit period for these findings is July 1, 2019–December 31, 2019. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment C).

The following summarizes the liquidated damages for failure to meet the Drug Testing Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Drug Testing 1a (Repeat)	31-Dec-19	4	5	\$ 25.00	1	\$ 500.00
Drug Testing 3g (Repeat)	31-Dec-19	4	5	\$ 25.00	3	\$ 1,500.00
Total						\$ 2,000.00

4. Failure to Meet Records and Reports Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC on December 31, 2019, for failure to meet two (2) Records and Reports standards. The audit period for these findings is October 1, 2019–December 31, 2019. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment D).

The following summarizes the liquidated damages for failure to meet the Records and Reports Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Records and Reports 5	31-Dec-19	4	5	\$ 25.00	4	\$ 2,000.00
Records and Reports 9 (Repeat)	31-Dec-19	4	5	\$ 25.00	22	\$ 11,000.00
Total						\$ 13,000.00

5. Failure to Meet Release Procedures Standards

The Tennessee Department of Correction (TDOC) Contract Monitors Jon Walton and Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on December 30, 2019, for failure to meet one (1) Records and Reports standard. The audit period for this finding is July 1, 2019–December 31, 2019. Detailed information concerning this finding is contained in the enclosed non-compliance report (Attachment E).

The following summarizes the liquidated damages for failure to meet the Release Procedures Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Release Procedures 1e Essential (Repeat)	31-Dec-19	5	5	\$ 25.00	1	\$ 625.00
Total						\$ 625.00

6. Failure to Meet Safety and Emergency Procedures Standards

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC on December 31, 2019, for failure to meet one (1) Safety and Emergency Procedure standard. The audit period for this finding is July 1, 2019–December 31, 2019. Detailed information concerning this finding is contained in the enclosed non-compliance report (Attachment F).

The following summarizes the liquidated damages for failure to meet the Safety and Emergency Procedures Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Safety and Emergency Procedures 2b	31-Dec-19	3	4	\$ 25.00	2	\$ 600.00
Total						\$ 600.00

7. Failure to Meet the Search Standard

The Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC on December 31, 2019, for failure to meet one (1) Search standard. The audit period for this finding is October 1, 2019–December 31, 2019. Detailed information concerning this finding is contained in the enclosed non-compliance report (Attachment G).

The following summarizes the liquidated damages for failure to meet the Search Standard, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Searches 3 Essential (Repeat)	31-Dec-19	4	5	\$ 25.00	10	\$ 5,000.00
Total						\$ 5,000.00

8. Failure to Meet Special Management Inmate Standards

The Tennessee Department of Correction (TDOC) Contract Monitors Jon Walton and Chris Brun issued a non-compliance report to CoreCivic management at the TTCC on December 31, 2019, for failure to meet seven (7) Special Management Inmate standards. The audit period for these findings is October 1, 2019–December 31, 2019. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment H). On February 13, 2020, the Tennessee Department of Correction (TDOC) Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC for failure to meet three (3) Special Management Inmate standards. The audit period for these findings is January 1, 2020–March 31, 2020. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment I).

The following summarizes the liquidated damages for failure to meet Special Management Inmate Standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Special Management 3e	31-Dec-19	4	5	\$ 25.00	5	\$ 2,500.00
Special Management 7b (Repeat)	31-Dec-19	4	5	\$ 25.00	5	\$ 2,500.00
Special Management 8b Essential (Repeat)	31-Dec-19	4	5	\$ 25.00	4	\$ 2,000.00
Special Management 8c (Repeat)	31-Dec-19	4	5	\$ 25.00	5	\$ 2,500.00
Special Management 9a	31-Dec-19	4	5	\$ 25.00	3	\$ 1,500.00
Special Management 9b (Repeat)	31-Dec-19	4	5	\$ 25.00	7	\$ 3,500.00
Special Management 10 (Repeat)	31-Dec-19	4	3	\$ 25.00	12	\$ 3,600.00
Special Management NIN	13-Feb-20	5	5	\$ 25.00	1	\$ 625.00
Special Management NIN	13-Feb-20	4	5	\$ 25.00	7	\$ 3,500.00
Special Management NIN	13-Feb-20	5	5	\$ 25.00	1	\$ 625.00
Total						\$ 22,850.00



9. Failure to Meet Grievance Standards

On January 31, 2020, the TDOC Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at the TTCC, for failure to meet four (4) Grievance standards. The audit period for these findings is July 1, 2019–December 31, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance report (Attachment J).

The following summarizes the liquidated damages for failure to meet Grievance standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Grievances 1 (Repeat)	31-Jan-20	2	4	\$ 25.00	7	\$ 1,400.00
Grievances 2c	31-Jan-20	2	4	\$ 25.00	1	\$ 200.00
Grievances 2d	31-Jan-20	2	4	\$ 25.00	1	\$ 200.00
Grievances 2f	31-Jan-20	2	4	\$ 25.00	1	\$ 200.00
Total						\$ 2,000.00

10. Failure to Meet Security Equipment Standards

On January 31, 2020, the TDOC Contract Monitors Brad Cotham and Chris Brun issued a non-compliance report (Attachment K) to CoreCivic management at the TTCC, for failure to meet four (4) Security Equipment standards. The audit period for these findings is October 1, 2019–December 31, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance report.

The following summarizes the liquidated damages for failure to meet Security Equipment standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Security Equipment 2 Essential	31-Jan-20	4	5	\$ 25.00	4	\$ 2,000.00
Security Equipment 3 Essential (Repeat)	31-Jan-20	4	5	\$ 25.00	2	\$ 1,000.00
Security Equipment 5 Essential (Repeat)	31-Jan-20	4	5	\$ 25.00	7	\$ 3,500.00
Security Equipment 11g Essential (Repeat)	31-Jan-20	4	5	\$ 25.00	8	\$ 4,000.00
Total						\$ 10,500.00



11. Failure to Meet Use of Force Standards

On January 31, 2020, the TDOC Contract Monitor Jon Walton issued a non-compliance report (Attachment L) to CoreCivic management at TTCC, for failure to meet five (5) Use of Force standards. The audit period for these findings is January 1, 2020–March 31, 2020. Detailed information concerning these findings is listed in the enclosed non-compliance report.

The following summarizes the liquidated damages for failure to meet Use of Force standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Use of Force 2a (Repeat)	31-Jan-20	4	5	\$ 25.00	3	\$ 1,500.00
Use of Force 2b Essential (Repeat)	31-Jan-20	4	5	\$ 25.00	2	\$ 1,000.00
Use of Force 2c	31-Jan-20	4	5	\$ 25.00	2	\$ 1,000.00
Use of Force 2d	31-Jan-20	4	5	\$ 25.00	7	\$ 3,500.00
Use of Force 2e Essential	31-Jan-20	4	5	\$ 25.00	1	\$ 500.00
Total						\$ 7,500.00

12. Failure to Meet Jobs Standards

On January 31, 2020, the TDOC Contract Monitor Jon Walton issued a non-compliance report (Attachment M) to CoreCivic management at TTCC, for failure to meet one (1) Jobs standard. The audit period for these findings is June 1, 2019–December 31, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance report.

The following detailed the liquidated damages for failure to meet the Jobs standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Jobs 3	31-Jan-20	5	5	\$ 25.00	7	\$ 4,375.00
Total						\$ 4,375.00

13. Failure to Meet Staffing 6b and 8 Standards

On December 31, 2019, the TDOC Contract Monitor Jon Walton issued a non-compliance report (Attachment N) to CoreCivic management at TTCC, for failure to meet the Staffing 6b and Staffing 8 standards. The audit period for these findings is November 1, 2019–November 30, 2019. Detailed information concerning this finding is listed in the enclosed non-compliance report.

The following summarizes the liquidated damages for failure to meet the Staffing 6b and Staffing 8 standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Staffing 6b	31-Dec-19	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 (Repeat)	31-Dec-19	4	5	\$ 25.00	2	\$ 1,000.00
Total						\$ 1,500.00



14. Failure to Meet Behavioral Health and Medical Standards

On February 12, 2020, and later amended on March 4, 2020, the TDOC Contract Monitor Jon Walton issued a non-compliance report to CoreCivic management at TTCC, for failure to meet Behavioral Health standards and Medical standards. The audit period for these findings is July 1, 2019–September 30, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance report (Attachment O).

The following summarizes the liquidated damages for failure to meet two (2) Behavioral Health and four (4) Medical standards, as required:

Audit Standard	NCR Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Behavioral Health 8 Essential (Repeat)	12-Feb-20	4	5	\$ 25.00	1	\$ 500.00
Behavioral Health 15 (Repeat)	12-Feb-20	4	5	\$ 25.00	8	\$ 4,000.00
Health Services 7 (Repeat)	12-Feb-20	4	3	\$ 25.00	3	\$ 900.00
Health Services 9 (Repeat)	12-Feb-20	4	5	\$ 25.00	5	\$ 2,500.00
Health Services 12 (Repeat)	12-Feb-20	4	3	\$ 25.00	3	\$ 900.00
Health Services 40 (Repeat)	12-Feb-20	4	5	\$ 25.00	8	\$ 4,000.00
Total						\$ 12,800.00

15. Failure to Fill Critical Posts –Essential (Repeat)

On December 31, 2019, the TDOC Contract Monitor Jon Walton issued two non-compliance reports for failure to fill critical posts as required by the contract between the State and CoreCivic, for operation of TTCC. Attachment P is for the audit period of October 1, 2019–October 31, 2019, and Attachment N is for the audit period of November 1, 2019–November 30, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance reports.

The liquidated damages for failure to fill critical posts is **\$9,771.53**. Please see attachment Q for the calculation of these liquidated damages.

16. Failure to Fill Vacancies within 45 Days Less Overtime Costs (Repeat)

On December 31, 2019, the TDOC Contract Monitor Jon Walton issued two non-compliance reports for failure to fill vacancies with forty-five (45) days as required by the contract between the State and CoreCivic, for operation of TTCC. Attachment P is for the audit period of October 1, 2019–October 31, 2019, and Attachment N is for the audit period of November 1, 2019–November 30, 2019. The estimated salaries and benefits of these vacant positions are listed in Attachments R–S. Documentation of overtime costs for the months of October–November 2019 is included in Attachments T–U. Detailed information concerning these findings is listed in the enclosed non-compliance reports.



Department of
Correction

The following summarizes the liquidated damages for failure to fill vacancies within forty-five (45) days, as required:

NCR Date	Time Period	Daily Salary and Benefits	Overtime Costs Incurred	Resulting Damages
17-Dec-19	Oct-19	\$270,558.08	\$ 217,095.12	\$53,462.96
31-Dec-19	Nov-19	\$232,530.64	\$ 181,946.73	\$50,583.91
Total				\$104,046.87

*See attachments R-U for more information.

As a result of these findings of non-compliance and in accordance with Section E.14 and Appendix D of the contract between the State and Trousdale County, I find Trousdale County to be in breach of contract, and I am directing that liquidated damages in the amount of **\$212,443.40** be withheld from payment to CoreCivic. The liquidated damages will be deducted from the State's next payment for services under the contract.

I do appreciate Trousdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC, Trousdale County, and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Tony Parker
Commissioner

TP:DI
Enclosures

pc: Raymond Byrd, Warden, TTCC
Charles Keeton, Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Chuck Taylor, Deputy Commissioner/Chief of Staff, TDOC
Lisa Parks, Interim Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
John Fisher, Correctional Administrator, TDOC
Kelly Young, Inspector General, TDOC
Carolyn Jordan, Director, Contract Monitoring, TDOC
Chris Brun, Contract Monitor, TDOC
Jon Walton, Contract Monitor, TDOC

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August 13, 2020

Mr. Branden Bellar
Attorney at Law
516 Main Street North
P.O. Box 192
Carthage, TN 37030

Dear Attorney Bellar:

SUBJECT: Assessment of Liquidated Damages–Trousdale Turner Correctional Center (TTCC)

This is in response to your July 1, 2020, appeal of certain aspects of TDOC's liquidated damages notice dated June 3, 2020. Your appeal addresses the following areas of noncompliance:

- Disciplinary Procedures Standards
- Records and Reports Standards
- Release Procedures Standards
- Search Standards
- Special Management Inmate Standards
- Grievance Standards
- Security Equipment Standards
- Use of Force Standards
- Inmate Jobs Standards
- Behavioral Health and Medical Standards
- Overtime Costs Allowance for Vacancies over Forty-Five (45) Days

TDOC policy provides that liquidated damages may be reviewed for reasonableness and adjusted as deemed appropriate. The liquidated damages have been reviewed based upon your appeal and accompanying documentation. For the reasons discussed below, the liquidated damages amount is hereby revised from \$212,443.40 to \$208,243.40.

1. Disciplinary Procedures Standards

Item 2g requires that a disciplinary report be issued for every infraction for which an inmate is segregated pending investigation. This finding involved the review of four (4) inmates placed on pending investigation status on 10-17-19. They were all placed in segregation on 10-17-19 and

were still in segregation on 10-21-19, with no pending investigation report entered in the TOMIS LIBK screen. In your appeal, you assert that one inmate received a disciplinary report which resulted in the inmate being placed in "pending hearing" status verses "pending investigation" status. You also state the disciplinary report is dated in TOMIS as 10-16-2019.

The contract monitor conducted a review of your assertions. He confirmed that the review of the NCR findings was conducted 10-21-19. On this date, inmate 497943 was documented by way of the movement confinement packet and in TOMIS, as being placed in segregation pending investigation on 10-17-19. The CMO refused to sign off on the Pending Investigation confinement packet, due to no LIBK entry. As a result, corrected entries were made after the CMO notified the facility of the pending NCR. This is also a repeat finding from 05-19-2019. Therefore, the facility has been put on notice that this is an issue, and it has not been corrected. The CMO has confirming documentation including the original Pending Investigation movement confinement packet and LIBD segregation screen in addition to the LIBK being entered after CMO notification. Therefore, the Department declines to reverse the \$2,500.00 assessment.

2. Records and Reports Standards

In your appeal, you request that TDOC reconsider both findings for Items 5 & 9 that were assessed for liquidated damages. Item 5 involved the bi-annual review of the monthly staffing reports. Numerous errors were discovered in four (4) of the months reviewed. Due to the volume of inaccuracies and the expectation that complete and accurate reports are to be submitted timely, the Department declines to reverse the \$2,000.00 assessment.

Item 9 involved a review of PREA Monitoring Reports on 10-21-2019 and 12-30-2019. It was determined that fifty-six (56) inmate comment entries were past due on 10-21-2019, and twenty-two (22) inmate comment entries were past due on 12-30-2019. This is a repeat finding from 4-30-2019. Therefore, the facility had previous notice of this issue and had not resolved it. As a result, the Department declines to reverse the \$11,000.00 assessment.

3. Release Procedures Standards

In your appeal, you request that TDOC review the calculation for the assessment of liquidated damages for the failure to meet one (1) Release Procedures Standard. The finding involves one inmate whose sentence expired on 12-25-2019. However, this inmate was held one day beyond his sentence expiration date and was released on 12-26-2019. You request that we consider changing the Relative Value of the Service Area assessed to Area 4 "Release Inmates" versus Service Area 1. This finding does not fall into the category of Release Inmates as that category would more appropriately be used for ensuring released inmates are provided with the necessary requirements at and after release such as medications, appointments, etc. As a result, the Department declines to reverse the \$625.00 assessment.



4. Search Standards

The finding for Item 3 involved a review of fifty-seven (57) inmate housing movements to ensure that cells were searched prior to the inmate(s) being moved into a new cell. It was determined that ten (10) cells were not searched prior to an inmate being housed in that cell. In your appeal, you state that four (4) of those ten (10) have documentation in TOMIS that the searches were conducted prior to the move. You reference December 4, 2019, and December 6, 2019, as the dates the searches were conducted.

To review your argument, we had our ITS Director pull a report from TOMIS which time stamps when the cell searches were entered into TOMIS. Two of those entries were made on December 10, 2019, and the other two were made on December 11, 2019, and December 19, 2019. All four (4) entries were backdated. Three were dated for December 4, 2019, and one was dated for December 6, 2019. While the dates do match your argument, those cell search dates were not actually entered into TOMIS on those dates. They were entered days later after the facility was put on notice of this finding. As a result, the Department declines to reverse the \$5,000.00 assessment.

5. Special Management Inmate Standards

In your appeal, you requested a review of the calculation for the assessment of liquidated damages for the failure to meet the Item 9b Standard. Upon review of this calculation, the Service Area Value should be 2 and the Relative Value of the Breach should be 4. As a result of this change, the assessment is reduced from \$3,500.00 to \$1,400.00.

You also requested a review of the calculation for the assessment of liquidated damages for failure to meet one (1) NIN Standard. This finding involved reviewing the irregular security checks of the segregation units/pods from January 7, 2020, to January 21, 2020. It was determined that there were seven (7) lapses in documented security checks with lapses ranging from over an hour to nearly ten (10) hours. You request specifically that we consider changing the Relative Value of the Breach from 5 (Failure to Comply with Other Applicable Standards) to 3 (Failure to Document). For this finding, the standard was not met because these irregular security checks were not being completed in the time frames required. As a result, the Department declines to reverse the \$3,500.00 assessment.

6. Grievance Standards

In your appeal, you request that TDOC reconsider the liquidated damage assessments for Items 2c, 2d, and 2f. After reviewing your argument and the documentation provided along with the contract monitor's documentation, we believe your argument has merit. Liquidated damages should not be assessed for these items. As a result, the Department will reverse the \$600.00 assessment for those three (3) items.



7. Security Equipment Standards

In your appeal, you request TDOC to consider changing the number of occurrences (for the calculation of liquidated damages) from seven (7) to one (1) for Item 5. This finding involved six (6) .38 caliber rounds of ammunition missing from the jump bag number 5. The number of occurrences is seven (7) because these rounds were missing for seven (7) days. Due to the significance of this finding, the Department declines to reduce the \$3,500.00 assessment.

8. Use of Force Standards

In your appeal, you request that TDOC review the assessment of liquidated damages for Items 2a, 2b, 2c, and 2e. After reviewing your arguments and documentation for Item 2a, we will reverse the assessment of \$1,500.00.

For Items 2b and 2c, you argue that the uses of force were reactive (verses proactive) so prior authorization and the video-recording requirement does not apply. We disagree due to the circumstances of those Uses of Force. Upon review of these arguments, the Department declines to reverse the two (2) \$1,000.00 assessments.

Item 2e involved a Use of Force in which prior approval was not possible, and the requirement that the Contract Monitor must be notified within one (1) hour was not met. You requested that TDOC consider changing the Breach Value from 5 (Failure to Comply with Other Standards) to 2 (Failure to Report) in the calculation of liquidated damages. The standard for this item is that the Contract Monitor must be notified within one (1) hour when prior approval is not possible. As a result, the Department declines to reverse the \$500.00 assessment.

9. Jobs Standards

In your appeal, you request that TDOC review the number of occurrences used in the calculation of liquidated damages for Item 3. This finding involved sentence credits not being entered by the required date for 630 offenders. It was also determined that not all supervisors had reviewed and provided a signature indicating that these inmates were due their sentence credits. The contractor never notified the Contract Monitor of this failure when it was discovered, instead, they notified the Sentence Management Division staff who then notified the Contract Monitor. The number of occurrences is seven (7) because this standard was not met for seven (7) months (June–December 2019). Due to the significance of this finding, the Department declines to reverse the \$4,375.00 assessment.

10. Behavioral Health and Medical Standards

In your appeal, you request TDOC to reconsider the assessment of liquidated damages for Item 12. You argue that the facility received 100 percent compliance in six (6) of the eight (8) categories, and if we average all eight (8) categories measured, then you will meet the 90 percent compliance requirement. However, each item is scored individually and that is how compliance is determined. We do not average the score for multiple items in one (1) standard. Therefore, you



do not meet compliance for Item 12 because you scored 40 percent for Item 12b and 80 percent for 12d. As a result, the Department declines to reverse the \$900.00 assessment.

11. Allowance for Overtime Costs for Failure to Fill Vacancies within 45 Days

In your appeal, you request TDOC allow credit for the usage of agency nurses to cover two (2) nurse vacancies. As stated in previous letters, we can only allow overtime credit when documentation is provided and is reconcilable. No documentation was provided for us to review. Going forward if you would like agency nurse costs to be considered to offset the assessment for vacancies over forty-five (45) days, this must be provided in response to the noncompliance reports. As a result of no documentation being provided, the Department declines to reverse the \$13,823.04 assessment for the two nurse vacancies.

As a result of these adjustments, liquidated damages in the amount of \$208,243.40 will be deducted from the State's next payment for services under the contract.

I do appreciate Trousdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of noncompliance. I also appreciate the partnership between TDOC, Trousdale County, and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Tony Parker
Commissioner

TP:KY
Enclosures

pc: Raymond Byrd, Warden, TTCC
Charles Keeton, Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Chuck Taylor, Deputy Commissioner/Chief of Staff, TDOC
Lisa Parks, Interim Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Kelly Young, Inspector General, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
John Fisher, Correctional Administrator, TDOC
Carolyn Jordan, Director, Contract Monitoring, TDOC
Chris Brun, Contract Monitor, TDOC
Jon Walton, Contract Monitor, TDOC



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TONY PARKER
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STATE OF TENNESSEE
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September 18, 2019

Mr. Branden Bellar
Attorney at Law
206D Main Street
P.O. Box 192
Carthage, TN 37070

Dear Mr. Bellar:

SUBJECT: Assessment of Liquidated Damages—Trousedale Turner Correctional Center (TTCC)

The Tennessee Department of Correction (TDOC) Contract Monitor Brad Cotham issued a non-compliance report to CoreCivic management at the TTCC on April 30, 2019, for failure to meet three (3) Special Management Inmate standards. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment A).

The following summarizes the liquidated damages for failure to meet Special Management Inmate Standards:

1. Failure to Meet Special Management Inmate Standards

NCR Date	Audit Time Period	Audit Standard	Calculation of Damages	Total
30-Apr-19	01/01/2019 - 03/31/2019	Special Management Inmates 8b: Essential (Repeat)	$5 \times 4 \times \$25 \times 8 = \4000.00	\$ 4,000.00
30-Apr-19	01/01/2019 - 03/31/2019	Special Management Inmates 9b: (Repeat)	$2 \times 4 \times \$25 \times 3 = \600.00	\$ 600.00
30-Apr-19	01/01/2019 - 03/31/2019	Special Management Inmates 10: (Repeat)	$2 \times 1 \times \$25 \times 6 = \300.00	\$ 300.00
Total				\$ 4,900.00

TDOC Contract Monitor Brad Cotham issued a non-compliance (NCR) report to CoreCivic management at the TTCC on May 31, 2019, for failure to meet Disciplinary Procedure standards.

Detailed information concerning these two (2) findings is listed in the enclosed non-compliance report (Attachment B). The following summarizes the liquidated damages for failure to meet Disciplinary Procedure standards:

2. Failure to Meet Disciplinary Procedure Standards

NCR Date	Audit Time Period	Audit Standard	Calculation of Damages	Total
31-May-19	04/01/2019 - 06/30/2019	Disciplinary Procedure 2f: Essential (Repeat)	$5 \times 5 \times \$25 \times 4 = \$2,500.00$	\$ 2,500.00
31-May-19	04/01/2019 - 06/30/2019	Disciplinary Procedure 2g: Essential (Repeat)	$4 \times 5 \times \$25 \times 1 = \500.00	\$ 500.00
Total				\$ 3,000.00

On April 30, 2019, TDOC Contract Monitor Brad Cotham issued a non-compliance report (Attachment C) to CoreCivic management at the TTCC, for failure to meet Security Equipment standards.

The following summarizes the liquidated damages for failure to meet Security Equipment standards:

3. Failure to Meet Security Equipment Standards (Repeat)

Relative Value of the Service Area = 4

Relative Value of the Breach = 5 (Failure to Comply with Other Standards)

$4 \times 5 \times \$25 = \500 Per Incident

$4 \times 5 \times \$25 \times 8 = \$4,000.00$

The TDOC Contract Monitor Brad Cotham issued a non-compliance report (Attachment D) to CoreCivic management at TTCC on May 31, 2019, for failure to meet Grievance standards.

The following detailed the liquidated damages for failure to meet Grievance standards:

4. Failure to Meet Grievance Standards (Repeat)

Relative Value of the Service Area = 2

Relative Value of the Breach = 4 (Failure to Comply with Other Standards)

$2 \times 4 \times \$25 = \200 Per Incident

$2 \times 4 \times \$25 \times 4 = \800.00

On April 30, 2019, TDOC Contract Monitor Brad Cotham issued a non-compliance report (Attachment E) to CoreCivic management at TTCC, for failure to meet one (1) Behavioral Health Standard and eight (8) Medical Standards. Also, on May 31, 2019, TDOC Contract Monitor Brad Cotham issued a non-



compliance report (Attachment F) to CoreCivic management at TTCC, for failure to meet one (1) Medical Standard.

The following summarizes the liquidated damages for failure to meet Behavioral Health and Medical standards:

5. Failure to Meet Behavioral Health and Medical Standards

NCR Date	Audit Time Period	Audit Standard	Calculation of Damages	Total
30-Apr-19	10/01/2018 - 12/31/2018	Behavioral Health 12: Essential (Repeat)	$4 \times 5 \times \$25 \times 3 = \$1,500.00$	\$ 1,500.00
30-Apr-19	10/01/2018 - 12/31/2018	Medical Item 1: Essential (Repeat)	$4 \times 5 \times \$25 \times 2 = \$1,000.00$	\$ 1,000.00
30-Apr-19	10/01/2018 - 12/31/2018	Medical Item 5: (Repeat)	$4 \times 3 \times \$25 \times 11 = \$3,300.00$	\$ 3,300.00
30-Apr-19	10/01/2018 - 12/31/2018	Medical Item 7: (Repeat)	$4 \times 3 \times \$25 \times 14 = \$4,200.00$	\$ 4,200.00
30-Apr-19	10/01/2018 - 12/31/2018	Medical Item 9: (Repeat)	$4 \times 5 \times \$25 \times 11 = \$5,500.00$	\$ 5,500.00
30-Apr-19	10/01/2018 - 12/31/2018	Medical Item 12: (Repeat)	$4 \times 3 \times \$25 \times 29 = \$8,700.00$	\$ 8,700.00
30-Apr-19	10/01/2018 - 12/31/2018	Medical Item 33: Essential (Repeat)	$4 \times 3 \times \$25 \times 1 = \300.00	\$ 300.00
30-Apr-19	10/01/2018 - 12/31/2018	Medical 42: (Repeat)	$4 \times 3 \times \$25 \times 6 = \$1,800.00$	\$ 1,800.00
30-Apr-19	10/01/2018 - 12/31/2018	Medical 48: (Repeat)	$4 \times 3 \times \$25 \times 4 = \$1,200.00$	\$ 1,200.00
31-May-19	01/01/2019 - 04/24/2019	Medical NIN	$4 \times 3 \times \$25 \times 4 = \$1,200.00$	\$ 1,200.00
Total				\$ 28,700.00

On April 30, 2019, and again on May 31, 2019, the TDOC Contract Monitor Brad Cotham issued a non-compliance report for failure to man critical posts as required by the contract between the State and CoreCivic, for operation of TTCC. Attachment G is for the audit period of March 1, 2019–March 31, 2019, and attachment H is for the audit period of April 1, 2019–April 30, 2019.



6. Failure to Man Critical Posts (Repeat)

Date	Site	Post	Actual Time Vacant	Total Minutes of Complete Shift	Minutes Unfilled	Minutes Filled	Filled time (Hours)	Time in Shift (Hours)	% of time Vacant	Relative Value of Service Area	Relative Value of the Breach	Multiplier	Damages	Liquidated Damages Value of Unfilled Time
8-Mar-19	TTCC	Eb Housing CO Post	0600 - 0610	720	10	710	11.83	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 6.94
8-Mar-19	TTCC	Fb Housing CO Post	0600 - 0610	720	10	710	11.83	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 6.94
9-Mar-19	TTCC	Cb Housing CO Post	0600 - 0610	720	10	710	11.83	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 6.94
9-Mar-19	TTCC	Eb Housing CO Post	0600 - 0610	720	10	710	11.83	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 6.94
10-Mar-19	TTCC	Ae Housing CO Post	2100 - 2200	720	60	660	11.00	12.00	8%	4	5	\$ 25.00	\$ 500.00	\$ 41.67
10-Mar-19	TTCC	Db Housing CO Post	2100 - 2200	720	60	660	11.00	12.00	8%	4	5	\$ 25.00	\$ 500.00	\$ 41.67
24-Mar-19	TTCC	Fb Housing CO Post	0600 - 0606	720	6	714	11.90	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 4.17
10-Apr-19	TTCC	Fb Housing CO Post	0600 - 0620	720	20	700	11.67	12.00	3%	4	5	\$ 25.00	\$ 500.00	\$ 13.89
11-Apr-19	TTCC	Cb Housing CO Post	0600 - 0610	720	10	710	11.83	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 6.94
11-Apr-19	TTCC	Fb Housing CO Post	0600 - 0610	720	10	710	11.83	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 6.94
27-Apr-19	TTCC	Ae Housing CO Post	0600 - 0612	720	12	708	11.80	12.00	2%	4	5	\$ 25.00	\$ 500.00	\$ 8.33
27-Apr-19	TTCC	Bb Housing CO Post	0600 - 0618	720	18	702	11.70	12.00	3%	4	5	\$ 25.00	\$ 500.00	\$ 12.50
27-Apr-19	TTCC	Cb Housing CO Post	0600 - 0618	720	18	702	11.70	12.00	3%	4	5	\$ 25.00	\$ 500.00	\$ 12.50
27-Apr-19	TTCC	Fb Housing CO Post	0600 - 0618	720	18	702	11.70	12.00	3%	4	5	\$ 25.00	\$ 500.00	\$ 12.50
28-Apr-19	TTCC	Ae Housing CO Post	0600 - 0615	720	15	705	11.75	12.00	2%	4	5	\$ 25.00	\$ 500.00	\$ 10.42
28-Apr-19	TTCC	Bb Housing CO Post	0600 - 0615	720	15	705	11.75	12.00	2%	4	5	\$ 25.00	\$ 500.00	\$ 10.42
28-Apr-19	TTCC	Cb Housing CO Post	0600 - 0605	720	5	715	11.92	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 3.47
28-Apr-19	TTCC	Db Housing CO Post	0600 - 0615	720	15	705	11.75	12.00	2%	4	5	\$ 25.00	\$ 500.00	\$ 10.42
28-Apr-19	TTCC	Eb Housing CO Post	0600 - 0620	720	20	700	11.67	12.00	3%	4	5	\$ 25.00	\$ 500.00	\$ 13.89
28-Apr-19	TTCC	Fb Housing CO Post	0600 - 0620	720	20	700	11.67	12.00	3%	4	5	\$ 25.00	\$ 500.00	\$ 13.89
Total							233.97	240	3%				\$10,000.00	\$ 251.39

On April 30, 2019, and again on May 31, 2019, the TDOC Contract Monitor Brad Cotham issued a non-compliance report for failure to fill vacancies with forty-five (45) as required by the contract between the State and CoreCivic, for operation of TTCC. Attachment G is for the audit period of March 1, 2019–March 31, 2019, and attachment H is for the audit period of April 1, 2019–April 30, 2019. Detailed information concerning the allowance of overtime credit is contained in Attachments K–L.



7. Failure to Fill Vacancies within 45 Days Less Overtime Costs (Repeat)

NCR Date	Time Period	Estimated Daily Salary and Benefits	Overtime Costs Incurred	Resulting Damages
30-Apr-19	Mar-19	\$ 48,758.12	\$ 159,765.13	\$ (111,007.01)
31-May-19	Apr-19	\$ 41,503.28	\$ 173,242.16	\$ (131,738.88)
Total				\$ -

*See attachments I – L for more information.

As a result of these findings of non-compliance and in accordance with Section E.14 and Appendix D of the contract between the State and Trousdale County, I find Trousdale County to be in breach of contract, and I am directing that liquidated damages in the amount of **\$41,651.39** be withheld from payment to CoreCivic. The liquidated damages will be deducted from the State's next payment for services under the contract.

I do appreciate Trousdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC, Trousdale County and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Tony Parker
Commissioner

TP:DI
Enclosures

pc: Russell Washburn, Warden, TTCC
Stacey Stone, Regional Manager, Facility Operations, Division 3, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Chuck Taylor, Deputy Commissioner/Chief of Staff, TDOC
Wes Landers, Deputy Commissioner/Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
John Fisher, Correctional Administrator, TDOC
Donna Turner, Director, Investigations & Compliance, TDOC
Carolyn Jordan, Director, Contract Monitoring, TDOC
Chris Brun, Contract Monitor, TDOC



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OFFICE (615) 253-8139 • FAX (615) 532-8281

November 21, 2019

Mr. Branden Bellar
Attorney at Law
206D Main Street
P.O. Box 192
Carthage, TN 37070

Dear Attorney Bellar:

SUBJECT: Assessment of Liquidated Damages–Trousdale Turner Correctional Center (TTCC)

The Tennessee Department of Correction (TDOC) Contract Monitors Chris Brun and Brad Cotham issued a non-compliance report to CoreCivic management at the TTCC on July 31, 2019, for failure to meet four (4) Special Management Inmate standards. Detailed information concerning these findings is contained in the enclosed non-compliance report (Attachment A).

The following summarizes the liquidated damages for failure to meet Special Management Inmate Standards:

1. Failure to Meet Special Management Inmate Standards

NCR Date	Audit Time Period	Audit Standard	Calculation of Damages	Total
31-Jul-19	04/01/2019 - 06/30/2019	Special Management Inmates 8b: Essential (Repeat)	5 X 5 X \$25.00 X 3 = \$1,875.00	\$ 1,875.00
31-Jul-19	04/01/2019 - 06/30/2019	Special Management Inmates 8b: Essential (Repeat)	5 X 5 X \$25.00 X 3 = \$1,875.00	\$ 1,875.00
31-Jul-19	04/01/2019 - 06/30/2019	Special Management Inmates 8c: Essential (Repeat)	5 X 3 X \$25.00 X 5 = \$1,875.00	\$ 1,875.00
31-Jul-19	04/01/2019 - 06/30/2019	Special Management Inmates 9b: (Repeat)	2 X 4 X \$25.00 X 10 = \$2,000.00	\$ 2,000.00
Total				\$ 7,625.00

On July 31, 2019, the TDOC Contract Monitors Brad Cotham and Chris Brun issued a non-compliance report (Attachment B) to CoreCivic management at the TTCC for failure to meet two (2) Security Equipment standards. Detailed information concerning these findings is listed in the enclosed non-compliance report.

The following summarizes the liquidated damages for failure to meet Security Equipment standards:

2. Failure to Meet Security Equipment Standards

NCR Date	Audit Time Period	Audit Standard	Calculation of Damages	Total
31-Jul-19	01/01/2019 - 06/30/2019	Security Equipment 11a: Essential (Repeat)	4 X 5 X \$25 X 1 = \$500.00	\$ 500.00
31-Jul-19	01/01/2019 - 06/30/2019	Security Equipment 11g: Essential (Repeat)	4 X 5 X \$25 X 7 = \$3,500.00	\$ 3,500.00
Total				\$ 4,000.00

On July 15, 2019, the TDOC Contract Monitors Brad Cotham and Chris Brun issued a non-compliance report (Attachment C) to CoreCivic management at TTCC, for failure to meet five (5) Count standards. Detailed information concerning these findings is listed in the enclosed non-compliance report.

The following details the liquidated damages for failure to meet Count standards:

3. Failure to Meet Count Standards

NCR Date	Audit Time Period	Audit Standard	Calculation of Damages	Total
15-Jul-19	04/01/2019 - 06/30/2019	Count 1a: Essential (Repeat)	4 X 5 X \$25.00 X 1 = \$500.00	\$ 500.00
15-Jul-19	04/01/2019 - 06/30/2019	Count 1c: (Repeat)	4 X 3 X \$25.00 X 2 = \$600.00	\$ 600.00
15-Jul-19	04/01/2019 - 06/30/2019	Count 2d: (Repeat)	4 X 5 X \$25.00 X 2 = \$1000.00	\$ 1,000.00
15-Jul-19	04/01/2019 - 06/30/2019	Count 5a: Essential	4 X 5 X \$25.00 X 2 = \$1,000.00	\$ 1,000.00
15-Jul-19	04/01/2019 - 06/30/2019	Count 6a: Essential (Repeat)	4 X 5 X \$25.00 X 2 = \$1,000.00	\$ 1,000.00
Total				\$ 4,100.00



On July 15, 2019, and July 31, 2019, the TDOC Contract Monitors Brad Cotham and Chris Brun issued a non-compliance report (Attachments D and E) to CoreCivic management at TTCC for failure to meet Drug Testing standards. Detailed information concerning these findings is listed in the enclosed non-compliance reports.

The following summarizes the liquidated damages for failure to meet Drug Testing standards:

4. Failure to Meet Drug Testing Procedures

NCR Date	Audit Time Period	Audit Standard	Calculation of Damages	Total
15-Jul-19	04/01/2019 - 06/30/2019	Drug Testing Procedures 3g: (Repeat)	4 X 5 X \$25 X 8 = \$4,000.00	\$ 4,000.00
31-Jul-19	04/01/2019 - 06/30/2019	Drug Testing Procedures 1a	4 X 5 X \$25 X 2 = \$1,000.00	\$ 1,000.00
Total				\$ 5,000.00

On July 31, 2019, the TDOC Contract Monitor Brad Cotham issued a non-compliance report to CoreCivic management at TTCC for failure to meet five (5) Behavioral Health standards and six (6) Medical standards. Detailed information concerning these findings is listed in the enclosed non-compliance report (Attachment F).

The following summarizes the liquidated damages for failure to meet Behavioral Health and Medical standards:

5. Failure to Meet Behavioral Health and Medical Standards

NCR Date	Audit Time Period	Audit Standard	Calculation of Damages	Total
31-Jul-19	01/01/2019 - 03/31/2019	Behavioral Health 8: Essential (Repeat)	4 X 5 X \$25.00 X 3 = \$1,500.00	\$ 1,500.00
31-Jul-19	01/01/2019 - 03/31/2019	Behavioral Health 9: Essential (Repeat)	4 X 5 X \$25.00 X 5 = \$2,500.00	\$ 2,500.00
31-Jul-19	01/01/2019 - 03/31/2019	Behavioral Health 12: Essential (Repeat)	4 X 3 X \$25.00 X 1 = \$300.00	\$ 300.00
31-Jul-19	01/01/2019 - 03/31/2019	Behavioral Health 15: (Repeat)	4 X 5 X \$25.00 X 7 = \$3,500.00	\$ 3,500.00
31-Jul-19	01/01/2019 - 03/31/2019	Behavioral Health 26: Essential	4 X 5 X \$25.00 X 1 = \$500.00	\$ 500.00
31-Jul-19	01/01/2019 - 03/31/2019	Medical Item 3: Essential (Repeat)	4 X 5 X \$25.00 X 2 = \$1,000.00	\$ 1,000.00
31-Jul-19	01/01/2019 - 03/31/2019	Medical Item 9: (Repeat)	4 X 5 X \$25.00 X 10 = \$5,000.00	\$ 5,000.00
31-Jul-19	01/01/2019 - 03/31/2019	Medical 28: Essential	4 X 5 X \$25.00 X 2 = \$1,000.00	\$ 1,000.00
31-Jul-19	01/01/2019 - 03/31/2019	Medical 29: Essential (Repeat)	4 X 5 X \$25.00 X 3 = \$1,500.00	\$ 1,500.00
31-Jul-19	01/01/2019 - 03/31/2019	Medical 40: (Repeat)	4 X 5 X \$25.00 X 10 = \$5,000.00	\$ 5,000.00
31-Jul-19	01/01/2019 - 03/31/2019	Medical 48: (Repeat)	4 X 3 X \$25.00 X 6 = \$1,800.00	\$ 1,800.00
Total				\$ 23,600.00



On July 15, 2019, and again on July 31, 2019, the TDOC Contract Monitor Brad Cotham issued a non-compliance report for failure to man critical posts as required by the contract between the State and CoreCivic, for operation of TTCC. Attachment G is for the audit period of May 1, 2019–May 31, 2019, and attachment H is for the audit period of June 1, 2019–June 30, 2019. Detailed information concerning these findings is listed in the enclosed non-compliance reports.

6. Failure to Man Critical Posts–Essential (Repeat)

Date	Site	Post	Actual Time Vacant	Total Minutes of Complete Shift	Minutes Unfilled	Minutes Filled	Filled time (Hours)	Time in Shift (Hours)	% of time Vacant	Relative Value of Service Area	Relative Value of the Breach	Multiplier	Damages	Liquidated Damages Value of Unfilled Time
1-May-19	TTCC	Db Housing CO Post	0600 - 0605	720	5	715	11.92	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 3.47
1-May-19	TTCC	Bh Housing CO Post	0600 - 0605	720	5	715	11.92	12.00	1%	4	5	\$ 25.00	\$ 500.00	\$ 3.47
13-May-19	TTCC	Wd Housing CO Post	0200 - 0555	720	235	485	8.08	12.00	33%	4	5	\$ 25.00	\$ 500.00	\$ 163.19
25-May-19	TTCC	Kitchen Officer	0300 - 0600	720	180	540	9.00	12.00	25%	4	5	\$ 25.00	\$ 500.00	\$ 125.00
31-May-19	TTCC	Utility West	0600 - 0700	720	60	660	11.00	12.00	8%	4	5	\$ 25.00	\$ 500.00	\$ 41.67
24-Jun-19	TTCC	Utility West	0200 - 0500	720	180	540	9.00	12.00	25%	4	5	\$ 25.00	\$ 500.00	\$ 125.00
28-Jun-19	TTCC	Wb Housing CO Post	2200 - 2230	720	30	690	11.50	12.00	4%	4	5	\$ 25.00	\$ 500.00	\$ 20.83
Total				5040	695	4345	72.42	84.00	13.79%				\$3,500.00	\$ 482.64

On July 15, 2019, and again on July 31, 2019, the TDOC Contract Monitor Brad Cotham issued a non-compliance report for failure to fill vacancies with forty-five (45) as required by the contract between the State and CoreCivic, for operation of TTCC. Attachment G is for the audit period of May 1, 2019–May 31, 2019, and attachment H is for the audit period of June 1, 2019–June 30, 2019.

7. Failure to Fill Vacancies within 45 Days Less Overtime Costs

NCR Date	Time Period	Estimated Daily Salary and Benefits	Overtime Costs Incurred	Resulting Damages
15-Jul-19	May-19	\$ 152,471.64	\$ 235,327.46	\$ (82,855.82)
31-Jul-19	Jun-19	\$ 180,040.40	\$ 250,459.63	\$ (70,419.23)
Total				\$ -

*See attachments K - L for more information.

As a result of these findings of non-compliance and in accordance with Section E.14 and Appendix D of the contract between the State and Trousdale County, I find Trousdale County to be in breach of contract, and I am directing that liquidated damages in the amount of **\$44,807.64** be withheld from payment to CoreCivic. The liquidated damages will be deducted from the State's next payment for services under the contract.

I appreciate Trousdale County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC, Trousdale County, and CoreCivic.



Attorney Branden Bellar
Page 5 of 5
November 21, 2019

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Tony Parker
Commissioner

TP:DI

Enclosures

pc: Russell Washburn, Warden, TTCC
Stacey Stone, Regional Manager, Facility Operations, Division 3, CoreCivic
Damon Hininger, President & CEO, CoreCivic
Chuck Taylor, Deputy Commissioner/Chief of Staff, TDOC
Wes Landers, Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
John Fisher, Correctional Administrator, TDOC
Donna Turner, Director, OIC, TDOC
Carolyn Jordan, Director, Contract Monitoring, TDOC
Chris Brun, Contract Monitor, TDOC

